

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 03/09/2007

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Barry West
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 12/08/2006

ACTION REQUESTED: New collection (Request for a new OMB Control Number)
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200611-0648-014
TITLE: Steller Sea Lion Protection Economic Survey
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved with change
OMB CONTROL NUMBER: 0648-0554

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 09/30/2008

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	3,725	1,373	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	3,725	1,373	0
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE: Approval is given for a one-time data collection of the Stellar Sea Lion Protection Economic Survey. Once the survey is completed, NOAA should summarize and report the results to OMB. The summary should include: response rate, item non-response rates for key questions, non-response bias study results, WTP estimates, and internal and external validity test results.

OMB Authorizing Official: John F. Morrall III
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Mail and telephone surveys	NA, NA, NA, NA	Steller Sea Lion _stable version, Steller Sea Lion _decrease version, Steller Sea Lion _increase, Steller Sea Lion telephone follow-up survey	

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	10. Abstract
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

SUPPORTING STATEMENT
STELLER SEA LION PROTECTION ECONOMIC SURVEY
OMB CONTROL NO.: 0648-xxxx

A. Justification

1. Explain the circumstances that make the collection of information necessary.

Steller sea lions (*Eumetopias jubatus*) live in the North Pacific Ocean and consist of two distinct populations, the Western stock and Eastern stock, which are separated at 144° W longitude. As a result of large declines in the populations since at least the early 1970s, in April 1990 the Steller sea lion (SSL) was listed as threatened throughout its range under the Endangered Species Act (ESA) of 1973 (16 U.S.C. 35). The decline continued through the 1990s for the Western stock in Alaska, which was declared endangered in 1997, while the Eastern stock remained listed as threatened. Both the Western and Eastern stocks are also listed as depleted under the Marine Mammal Protection Act (MMPA) of 1972 (16 U.S.C. 1362). Commercial fishing in Alaska competes for the same fish species SSLs eat and is believed to be an important factor contributing to the continued decline of the Western stock population.

The National Marine Fisheries Service (NMFS) is the primary agency responsible for the protection of marine mammals, including Steller sea lions. Multiple management actions have been taken (71 FR 1698, 69 FR 75865, 68 FR 204, and 68 FR 24615), and are being contemplated, by NMFS to protect and aid the recovery of the SSL populations. These actions differ in: 1) the form they take (limits on fishing to increase the stock of fish available for Steller sea lions to eat, area restrictions to minimize disturbances, etc.), 2) which stock is helped, 3) when and how much is done, and 4) their costs. In deciding between these management actions, policy makers must balance the ESA and MMPA goals of protecting Steller sea lions from further declines with providing for sustainable and economically viable fisheries under the Magnuson-Stevens Fishery Conservation Act (P.L. 94-265). Since Steller sea lion protection is linked to fishery regulations, decision makers must comply with several federal laws and executive orders in addition to the ESA and MMPA, including: Executive Order 12866 (58 FR 51735) which requires regulatory agencies to consider costs and benefits in deciding among alternative management actions, including changes to fishery management plans made to protect Steller sea lions.

Public preferences for providing protection to the endangered Western and threatened Eastern stocks of Steller sea lions are primarily the result of the non-consumptive value people attribute to such protection. Little is known about these preferences, yet such information is needed for decision makers to more fully understand the trade-offs involved in choosing between alternatives. How much the public is willing to pay for increased Steller sea lion stock sizes or changes in listing status, as well as preferences for geographic distribution, is information that can aid decision makers to evaluate protection actions and more efficiently manage and protect these resources, but is not currently known. A general population survey is needed that will collect information that provide insights into public values for protection of Steller sea lions and the impacts of that protection.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information collection consists of implementing a mail survey on a sample of U.S. households. We will mail questionnaires to members of the sample; in addition, we will send follow-up mailings to encourage response. Among the follow-up efforts will be a telephone contact with those sample households for whom we have telephone numbers. We will try to obtain selected survey information during this telephone follow-up to aid in evaluating non-response behavior.

There are three survey instruments that each present one of several possible future trajectories for Steller sea lion populations: increasing, stable, or decreasing. Since scientists do not currently know whether current population trends will continue or change in the future, several survey instruments were developed to enable us to account for this uncertainty. The “decreasing” version assumes the population of Western stock of Steller sea lions will decrease in the future, the “stable” version assumes the Western stock population stays at approximately the same size, and the “increasing” version assumes the Western stock population increases over time. These three cases span the range of the most likely future scenarios. Treating the future uncertainty through different survey versions allows us to build the uncertainty directly into the analytic framework since separate welfare estimates can be generated for each survey version. Except for the future population projections, the three survey versions are identical and thus will be discussed generically below. Any non-trivial differences will be highlighted. The follow-up telephone interview script is also described below.

Mail Questionnaire

Survey responses gathered from the mail questionnaire include information about the following:

- a. Public preferences regarding the protection of the Western stock of Steller sea lions.
- b. Public preferences regarding the protection of the Eastern stock of Steller sea lions.
- c. The factors that affect the public’s preferences for protecting Steller sea lions, such as the geographic distribution of the two stocks, listing status and population size of the two stocks, and protection costs.
- d. Information on general attitudes toward protecting threatened and endangered species.

Stated preference response data collected through the survey will be used by NMFS to estimate a preference function for explaining choices between protection programs that differ in the levels of population sizes, ESA listing status, geographic distribution, and costs. This estimated function will provide NMFS and the North Pacific Fisheries Management Council (NPFMC) with information on public preferences and values for alternative Steller sea lion protection programs, and what factors affect these values. This information can then be compared with program costs and other impacts when evaluating protection alternatives.

The following is a discussion of how particular questions in the mail questionnaire will be ultimately used. Generally, the survey asks respondents for information regarding their knowledge and opinions of Steller sea lions, other endangered species, other seals and sea lions,

Alaska commercial fisheries, and potential goals and impacts of management options available to protect the endangered population of Steller sea lions, in addition to standard socio-demographic information needed to classify respondents. It is divided into eight sections.

Section 1: The Issue: Threatened and Endangered Steller Sea Lions

The first section identifies the Steller sea lion as a species protected under the Endangered Species Act and presents information about the Endangered Species Act (ESA), including definitions for “endangered” and “threatened” species, which are important to the policy questions in the survey. The introductory material also presents a breakdown of how many species are protected under the ESA to help place Steller sea lions in context as one of many ESA-protected species. Finally, the introduction identifies that the ESA requires reasonable actions be taken, which begins to motivate the questions about alternative actions to consider. The section also lists reasons people may care about threatened and endangered species and the types of costs that result from protecting them.

- Q1 asks how positive or negative the respondent’s reaction is when they think about the Endangered Species Act. This simple question identifies people’s general feelings toward endangered species protection. It provides an easy start to the process of thinking about threatened and endangered species, and it sets a tone of neutrality by allowing positive and negative reactions right from the start. In initial testing and from the pretest implementation results, responses to this question were good predictors of how respondents would answer the stated preference questions (see Appendix).
- To put the issue of protecting threatened and endangered species in the context that there are many social issues (each with costs), and thus to reduce survey “importance bias”, Q2 asks the respondent whether we are spending too much, about the right amount, or too little on seven public policy issues. This question repeats a General Social Survey (GSS) question, which also allows for a comparison of attitudes for survey respondents versus the GSS survey results. The same question is asked in the telephone survey for non-respondents.
- After providing some general reasons for and against protecting threatened and endangered species (again providing a neutral perspective), Q3 addresses the importance to the respondent of general protection of threatened and endangered species, and whether protecting jobs is more or less important than threatened and endangered species protection to the respondent. Responses to this question were also found to be correlated with response patterns to stated choice questions in initial testing (see Appendix).

Section 2: Seals and Sea Lions in the U.S.

To properly value Steller sea lions, it is vital to accurately define the “good” to be valued (i.e., the results of Steller sea lion protection in this case) and to provide the context within which it exists to ensure that respondents fully understand what they are to value. Part of the process of providing context for the valuation involves discussing the species that may serve as substitutes in individual’s minds for Steller sea lions. In focus groups, a natural set of substitutes that people identified for Steller sea lions is other seals and sea lions that exist near where Steller sea lions live.

This section provides some facts about seals and sea lions in the U.S., as well as pictures and facts about the species that reside along the Pacific Coast and in Hawaii. It also illustrates that some species have recovered after protection actions were taken, demonstrating that such actions can work, and that the Steller sea lion is one of three seal and sea lion species that are protected by the ESA.

- Q4 is used to determine whether respondents had prior experience with seals or sea lions, and aids in encouraging respondents to review the information provided.

Section 3: Some Steller Sea Lion Facts

This brief section introduces several facts about Steller sea lions. This information sets the stage for the Steller sea lion versus commercial fishing conflicts, as Steller sea lions are large and eat a lot, don't migrate (and thus one population will not replace the other), and serve an uncertain role in the ecosystem.

- Like Q4, Q5 is intended to get respondents to begin thinking about Steller sea lions and determine whether they are familiar with Steller sea lions prior to the survey.

Section 4: The Western and Eastern Stocks of Steller Sea Lions

This section describes why Steller sea lions are divided into the Western and Eastern stocks, provides a map identifying where the stocks are located, presents a graphic that illustrates the population trends of each stock in the past and into the future, and identifies what has been done to protect Steller sea lions in the past and the current ESA listing and population trend. This and the next section define the baseline of current and expected future conditions with current management programs, which is required for proper valuation of alternative levels of protection.

- Q6, which asks whether the respondent has ever lived in or visited areas where the Western stock lives, is intended to get the individual to review the map that indicates where the Western and Eastern stocks are and relate the map to their own experiences.
- Respondents are asked how concerned they are about each stock in Q7. This information serves dual purposes. First, it encourages the respondent to read and understand what is occurring with each stock, and second, provides information that can be used to check for consistency of preferences with responses to stated preference questions.

Section 5: Steller Sea Lions and Commercial Fishing

In this section, the link between commercial fishing and Steller sea lions is explained, and the fishery management actions that make up the *status quo* protection measures are introduced.

- Q8 asks respondents to indicate how concerned they are about two impacts of protecting Steller sea lions, lost commercial fishing jobs and higher fish prices. This question is important because it familiarizes the respondent with the costs of protecting Steller sea lions to the fishing industry and to households, thus setting up the mechanism through which individuals would pay for further protection (i.e., the payment vehicle) in the

stated preference questions. Like Q7, this question can be used to assess internal preference consistency with responses to stated preference questions. Together with Q9, the question serves the purpose of acknowledging that there are costs to protecting Steller sea lions and informing the respondent about these costs. This is important for maintaining a neutral stance regarding protection and minimizing information bias, particularly in light of the fact that several people in earlier testing did not feel that protecting Steller sea lions was important.

Section 6: New Steller Sea Lion Protection Actions

This section introduces the idea that more can be done to protect the Western stock, introduces the payment vehicle, and sets the stage for asking about specific protection alternatives in the stated preference questions.

Q9 continues the cognitive process of reviewing and responding to elements of the scenario set-up and provides another cross-check to the responses to the stated choice questions (Q10, Q12, Q14). Respondents are asked to indicate the degree to which they agree or disagree with two statements, which differs across survey versions. In the “decreasing version,” the first states that more should be done to ensure the Western stock is no longer endangered even if it costs more money, while the second states that as long as the Eastern stock recovers, it doesn’t matter if the Western stock remains endangered. Agreeing with the first statement indicates a willingness to spend money to protect the Western stock of Steller sea lions. Disagreeing with it suggests individuals may not choose costly programs to help the species. Agreeing with the second statement explains why some people may not wish to spend additional money to protect the Western stock. Disagreement with the second statement suggests a concern for the Western stock independent of what happens to the Eastern stock. In the other two versions, the first statement says that more should be done to ensure the Western stock recovers even if it costs more money, while the second states that as long as the Eastern stock recovers, it doesn’t matter if the Western stock recovers. As in the decreasing version, agreeing with the first statement indicates a willingness to spend money to protect the Western stock, while agreeing with the second may explain why some people may not wish to spend money to protect the Western stock.

Section 7: What Alternatives Do You Prefer?

This section contains the stated preference questions, which are in a choice experiment, or stated choice, framework. The section begins with instructions for answering the questions and a budget reminder. It is followed by the three stated choice questions (Q10, Q12, Q13), an open-ended comment question (Q11), and follow-up questions (Q14, Q15). The information from these questions will be used to estimate a Steller sea lion protection preference function.

- In each of the three choice questions (Q10, Q12, and Q13), respondents are confronted with three alternatives that differ in what they do and how much they cost, the current Steller sea lion protection program (Alternative A), which is the status quo alternative, and two others that do more and cost more (Alternatives B and C). These alternatives are described by their expected results with respect to the following attributes:

1. Western stock ESA listing status
2. Western stock total population size
3. Areas where the Western stock will live
4. Eastern stock ESA listing status
5. Eastern stock total population size
6. Added household cost⁴

Respondents are then asked to choose the alternative they most prefer, and which they least prefer. The status quo is always the first option to make it easy for respondents to select it (and reduce any unintended bias in selecting alternatives to do more and spend more), and to allow rank ordering of alternatives B and C relative to the baseline (Alternative A), which provides statistical efficiency gains over paired choices. Note that the status quo alternative will differ across the decreasing, stable, and increasing versions of the survey.

The primary objective of most stated preference studies is to value changes in outcomes. In our case, the changes in outcomes of interest are population numbers and ESA listing status (endangered, threatened, and recovered). In some studies, one or more specific programs are defined to achieve the proposed changes in outcomes to make the valuation scenario more concrete and realistic for respondents. Respondents then value programs, thus indirectly valuing the underlying change in outcomes associated with the programs. However, values for changes in outcomes may be contaminated by respondent's values for other perceived positives and negatives about the programs proposed to reach the outcomes. In this study, in Section 6 of the survey we identify the types of efforts (programs) that have been and can be used to obtain changes in SSL populations and status. However, we do not tie specific outcomes to specific programs for two reasons. First, in our testing, respondents were comfortable directly addressing changes in outcomes (the ultimate objective) without further complicating the design by specifying which programs would be required for each of the many scenarios of interest. And second, separating the outcomes from specific programs allows the policy makers and resource managers to select the best programs to bring about the desired outcomes without weakening the application of the valuation results.

The selection of the set of non-cost attribute levels in the experimental design relied heavily on input from technical reviewers at the Alaska Fisheries Science Center, particularly scientists who study Steller sea lions. Based on their input and information from technical reports and published studies, the range of population levels and statuses was developed to reflect the most reasonable range of outcomes over the next 60 years for the current and alternative programs under consideration. The cost levels were selected to cover the range of WTP with a sufficiently wide range of costs to include several cost amounts that are expected to exceed most respondent's maximum WTP based on pretest results. The combinations of attribute levels seen in the survey are determined using efficiency-based statistical design methods.

⁴ In earlier cognitive interviews, individuals were specifically asked in what form they believed they would be paying for Steller sea lion protection programs. The vast majority responded that the added cost in the choice questions simply represents money out of their pocket, mostly in the form of federal taxes, but also from some additional expenditures on seafood products.

- Q11 provides respondents space to comment on their answers to Q10. It can provide insights into the individual's thought process used in answering Q10, and subsequently help identify valid and invalid responses. Second, it provides the opportunity for individuals to express how they feel about being asked this type of question. This is especially important for those that clearly dislike some element of the question. This comment question is not repeated for other choice questions because experience indicates little additional information is gained from repeating the question.
- In Q14, respondents are asked to agree or disagree with several statements that are used to help address several concerns about people's responses, including: Whether respondents feel it is their responsibility to pay for Steller sea lion protection at all (potential protest), whether respondents had enough information to make an informed choice (the effect of uncertainty on values), whether respondents were paying just for Steller sea lions or if they believed other species were being protected by the alternatives considered (potential part-whole embedding), whether respondents believed the federal government could effectively manage the Steller sea lion protection programs to bring about the results being valued (potential protest), and whether respondents feel they should not have to pay more federal taxes for any reason (potential protest).
- Q15 identifies how confident individuals are about their answers to the stated preference questions. Combined with other answers (such as Q14 item 2), we can evaluate the impact of uncertainty on valuation results, such as the mean and variance of estimated values. Results can also be reported with and without respondents who self-report that they are "not at all confident" in their answers.

Section 8: About You and Your Household

This final section consists of eleven questions, H1 – H11, that collect information about the respondent and the respondent's household to be used as explanatory variables in the stated preference model, for comparing the sample to the population (coverage or sampling bias), and for comparing respondents to non-respondents (non-response bias). To the extent possible, the questions and response categories parallel those used by the Census Bureau to allow the most direct comparisons.

- Socioeconomic and demographic information collected includes gender (H1), age (H2), household size (H3), employment status (H4), education (H6), household ownership status (H7), ethnicity (H9), race (H10), and income (H11).
- Respondents are also asked if they, or any family members, have been employed in the commercial fishing industry (H5) to identify individuals who may view protecting Steller sea lions as a public bad instead of a public good.
- The number of listed telephone numbers in the household is asked for in H8. This information is useful for understanding the probability that the household was chosen for the sample.

Telephone Follow-Up

Following the initial mailing and postcard reminder, we will contact non-respondents by telephone to encourage them to complete the mail survey⁵ and to collect limited information from those who decide not to participate in the mail survey at all.⁶ The information provided by these non-respondents can be compared with that from respondents to address issues concerning non-response bias. Selected socioeconomic and demographic questions, along with a few key attitudinal questions, are asked to statistically test whether non-respondents differ from respondents with respect to these characteristics. The attitudinal questions include a version of Q1 from the mail questionnaire. Responses to this question have been shown to be correlated to responses to stated preference questions (see Appendix). A question used in the General Statistical Survey (GSS) is also included to enable comparison of non-respondents with a large, readily-available statistical survey estimate generally regarded as representative of the general U.S. population. This information can be used to evaluate and adjust the results for potential non-response bias among sample members.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The pretest survey will not utilize any specialized information technology.

4. Describe efforts to identify duplication

The economics literature was consulted extensively to identify studies that valued Steller sea lions. To date, there has only been one effort, aside from the proposed data collection, to provide economic value information for Steller sea lions. During the summer and fall of 2000, a contingent valuation⁷-based Steller sea lion survey was conducted by the University of Alaska at Fairbanks (UAF). The study's results are reported in Turcin (2001), Giraud, Turcin, Loomis, and Cooper (2002), and Turcin and Giraud (2003). There are several deficiencies in the survey instrument that mitigates the usefulness of the estimated welfare estimates for Steller sea lion protection. Four of the main shortcomings of the survey are the following:

1. The public good being valued is the additional protection (above the then-current level of protection) provided by a single "Expanded Federal Steller Sea Lion Recovery Program" that would result in the recovery of the Western stock to some unspecified population level, in some unspecified locations, at some unspecified time period (and without consideration to the concurrent status of the Eastern stock). Because the projected baseline for the Western stock without additional protection efforts is poorly specified (and does not comport with current projected baselines), the protection program results are imprecisely defined, and do not consider many of the policy attributes of real concern (such as the Eastern stock status, and alternative Western stock listing status targets such as threatened, population size, and locations), the resulting welfare estimate is difficult to interpret and has limited usefulness for policy purposes.

⁵ Those needing a replacement survey will be mailed one following the telephone interview.

⁶ In the telephone follow-up, a limited amount of information will also be collected from those agreeing to return the mail survey.

⁷ Contingent valuation is a survey-based economic technique for the valuation of non-market resources, typically environmental areas.

2. The information presentation has important limitations. The distinction between all (both western and eastern populations of) Steller sea lions and the western stock of Steller sea lions is blurred, as the terms “western population” and “Steller sea lion” are used interchangeably. Additionally, the threatened status of the Eastern stock, and the Eastern stock generally, is not mentioned despite the potential substitution relationship between the populations. This brings into question the proper interpretation of the estimated economic value (whether the values are significantly biased upward, as our focus groups and cognitive interviews suggest).
3. Substitution reminders are not provided. In particular, Steller sea lion population trends are not put into context with respect to other species, which may be problematic if people view other marine mammal species as substitutes for the Steller sea lion. The absence of this contextual background brings into question the validity of responses to the valuation question.
4. The survey instrument does not reflect a state-of-the-art design. It uses small font sizes, employs large and complicated text passages, and has numerous typos that may cause respondents to skip important information or lose interest.

Although there is only one existing survey effort to understand the value of Steller sea lions, there are numerous examples of studies conducted to estimate the non-consumptive value of other endangered species and marine mammals. Examples include Bosetti and Pearce (2003), Langford, et al. (2001), Jakobsson and Dragun (2001), Fredman (1995), Hagen, et al. (1992), among others. All these studies utilized contingent valuation methods. As a result, they are unable to fully analyze marginal values of attributes of the species protection. The proposed study departs from those in the existing literature in its use of a stated choice framework that allows marginal values of attributes of protection programs to be estimated (a more detailed literature review is included in this submission). This added information should provide decision makers with better information about how much the public would benefit from programs that lead to differing results, and thus represents a flexible tool for management.

5. If the collection of information involves small businesses or other small identities, describe the methods used to minimize burden.

The collection does not involve small businesses or other small identities.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the collection is not conducted, the North Pacific Fishery Management Council (NPFMC) and NMFS will have to rely on the 2000 UAF survey for information on public values for Steller sea lion protection to consider along with other important information in decisions about Steller sea lion management alternatives. As noted above, this survey has several major deficiencies that bring into question the accuracy and utility of the results. Importantly, the UAF results have limited application for incorporating public preferences and values concerning marginal trade-offs between management alternatives since the estimated public value is associated with a single management alternative.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with Office of Management and Budget (OMB) guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register notice (see Attached) solicited comments on the information collection. A subsequent correction was published to provide additional details of the survey and clarify its scope and purpose. A number of comments were received in response to the Federal Register notice and correction. About 850 form letter-style e-mails were received that expressed support for protecting Steller sea lions. These letters urge NOAA to increase Steller sea lion protection actions. Since they did not specifically address any aspect of the data collection, no formal response was made. Several other comments involved questions about the scope and purpose of the data collection, as well as specific questions about the population from which the sample would be drawn. These comments were responded to individually, but a correction notice was deemed necessary to avoid additional comments along these lines and to generally clarify these issues. Another commenter provided some opinions about stated preference valuation methods and economic preferences in the context of the survey and implored the agency to be explicit about the possible limitations of valuation techniques in measuring economic preferences for Steller sea lion protection. A response was sent to this individual thanking him for the comments and providing assurances that the assumptions made in the analysis and limitations of the results would be made clear in reporting the results to avoid misuse.

There were also several requests for copies of the survey instrument. Draft versions of the survey instrument were provided to several individuals for review purposes. Two sets of comments were received within the comment period. The first was provided by Dr. Richard Wallace, a Professor of Environmental Studies at Ursinus College. The second set of comments was received from the Humane Society of the U.S. Additional comments received from the Marine Mammal Commission were received after the official comment period closed. These comments and the corresponding responses are included in this submission.

The survey instrument and implementation plan have benefited from input and guidance from numerous individuals outside the Agency. Dr. David Layton, Associate Professor of Public Affairs, University of Washington, and Dr. Robert Rowe of Stratus Consulting, Inc., a leading economics consulting firm, have been principal participants in the design and testing of the survey instrument. Both have extensive experience in designing and testing economic surveys of non-market goods. Dr. Roger Tourangeau, Senior Research Scientist at the Survey Research Center of University of Michigan and Director of the Joint Program in Survey Methodology at the University of Maryland, reviewed the survey instrument and provided guidance on survey administration. Dr. Gardner Brown, Professor Emeritus of Economics, University of Washington provided input on the survey instrument design and content, and participated in some pretesting activities. Dr. Richard Bishop, Professor Emeritus of Agricultural and Applied Economics at the University of Wisconsin and senior consultant with Stratus Consulting, and Dr.

Vic Adamowicz, Professor of Rural Economy at the University of Alberta, reviewed and commented on the survey design and stated preference questions. Dr. David Chapman of Stratus Consulting contributed to the design of the survey instrument through his involvement moderating focus groups and conducting cognitive interviews to test the survey instrument.

In addition, the survey instrument presents the latest information on Steller sea lions, current population trends, alternative management options, and likely impacts of management options. To ensure that the information is as accurate as possible, numerous Steller sea lion researchers, fisheries biologists, and other researchers reviewed the survey instrument. In fact, the survey instrument underwent significant review internally by a committee of NMFS biologists and fisheries researchers that included Dr. Doug DeMaster, Dr. Rich Ferrero, Dr. Pat Livingston, Dr. Tom Gelatt, Mr. Lowell Fritz, and Dr. Ron Felthoven. Additional review was provided by Dr. Tom Loughlin and Dr. Libby Logerwell of NMFS, Dr. Bill Wilson of NPFMC, and Mr. Chris Oliver, the executive director of the NPFMC.

9. Explain any decisions to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Inclusion of an incentive acts as a sign of goodwill on the part of the study sponsors and encourages reciprocity of that goodwill by the respondent. Singer (2002) provides a comprehensive review of the use of incentives in surveys. She notes that giving respondents a small financial incentive (even a token amount) in the first mailing increases response rates in mail-based surveys and are cost-effective. Such prepaid incentives are more effective than larger promised incentives that are contingent on completion of the questionnaire. In tests conducted by Lesser, et al. (1999), including a \$2 incentive in a mailing with four contact points was shown to increase response rates by an additional 19 to 31 percentage points. Thus, even a small upfront incentive typically is more cost effective than additional follow-up steps that are often considered.

To encourage participation in the mail survey, an honorarium of \$10 will be given to the participants in the initial mailing. Results from the pilot pretest implementation (conducted under OMB Control No.: 0648-0511) indicated that the \$10 incentive led to a statistically higher response rate compared to the \$2 and \$5 treatments at the 1% and 10% levels, respectively. *Moreover, the \$10 incentive was the only one to achieve a response rate over 50%, which will be critical to make the results more defensible in the professional peer review process.* See the Appendix for details of the response rates achieved using different monetary incentive amounts.

There are several reasons why we believe inclusion of both a financial incentive and follow-up contacts will be needed to reach desired response rates. First, the survey is about an unfamiliar issue to many Americans. As such, the chance that respondents will not be motivated to complete the survey is higher than for a survey on a more familiar subject (such as a survey of licensed anglers about managing local fishing sites). Second, although every attempt is being made to ensure the survey is easy to read, understand, and complete, the amount of information it needs to present and the number of questions it needs to ask contribute to a 16 page survey requiring more respondent attention than some surveys. For these reasons, we expect both incentives and follow-up contacts will be required to obtain a suitable response rate and to evaluate potential non-response biases.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

In the cover letter accompanying each mailing, respondents will be told that their name and address information will be kept separate from their responses and that only their responses will be given to researchers. The cover page of the survey will also include the following statement:

Your name and address will be kept separate from your responses. Only your responses will be delivered to the researchers for analysis.

A similar statement is made in the telephone survey. Following completion of the data collection, the survey firm will delete any information identifying individuals (i.e., name and addresses) before any data file is delivered to NMFS or any other participating researchers and agencies.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of a sensitive nature asked in the survey.

12. Provide an estimate in hours of the burden of the collection of information.

The mail survey will be sent to a random sample of approximately 5,000 addresses. The random sample will be purchased from Survey Sampling, International.⁸ Based on previous experience, up to 15% of these types of samples can be expected to be bad or unusable addresses, which mean the number of households receiving the survey, will be approximately 4,250. We expect a final response rate of at least 57 percent (of the valid sample) based on the pilot pretest implementation results, leading to over 2,423 responding households returning completed surveys. For computing burden hours, we assume no more than 2,500 households will respond, 1,750 completed from the initial mailing and postcard reminder, 350 completed following contacts via phone, and 300 completed following the second full mailing.⁹ The cover letter will solicit the participation of an adult head of the household to complete the survey. While our experience has been that respondents typically complete the survey in 20 to 25 minutes, we assume 30 minutes to conservatively compute the potential burden hours. As a result, those ultimately completing the survey are expected to contribute up to 1,250 hours to the overall hour burden.

Following the initial mailing and postcard reminder, we expect approximately 70% of all

⁸ We collected information about the national sampling frames of several candidate vendors including Acxiom, Experian, Survey Sampling Int'l, and Genesys. All had high population coverage rates (85% to 95%), but varied in the methods used to assemble lists and in the percent of their population with telephone numbers. Of the vendors evaluated, only SSI did not remove households from their sampling frame that were in the National Do Not Call Registry (which does not apply to research surveys). As a result, they were the vendor chosen. This was the vendor used in the pretest implementation. Their general population samples are generated from telephone listings and other proprietary databases, and updated with the USPS Delivery Sequence File and National Change of Address (NCOA) databases. The database has approximately 85% coverage of all U.S. households.

⁹ The calculations for numbers of responses by survey stage are conservatively estimated based on achieved response rates in the pilot pretest implementation (see the Appendix).

expected completes, or 1,750 households, to have returned completed surveys. Households that have not responded after the initial mailing and postcard reminder will be contacted by telephone, encouraged to complete and return the survey, and asked to answer a few questions, even if they indicate they will be returning the survey. Thus, the telephone follow-up serves the dual purpose of increasing the number of mail responses and gathering information by telephone needed to estimate the impact of non-response. Households that need a replacement questionnaire will be identified and sent a new one. The phone interview is expected to take 6 minutes on average to complete, and we expect to attempt to reach and complete interviews with at most 50% of the 2,500 potential respondents remaining after the initial mailing and postcard reminder, or up to 1,250 individuals, for a total of 125 hours.¹⁰

The final contact is a second full mailing to all households that were not successfully contacted in the telephone interview, could not be contacted in the telephone interview due to an invalid or missing telephone number, or were interviewed and indicated they would return the survey but had not. While the telephone follow-up is expected to lead to 350 completed surveys, this final mailing is expected to lead to 300 completed surveys.

The total number of unique respondents to all survey contacts will be 3400, including those who complete only the short telephone interview. This number consists of respondents who return the questionnaire (2500) and respondents who do not return the questionnaire but do provide some survey information during the telephone contact (900). This assumes that 20% of the sample, or 850 households, will be unreachable in the phone contacts and will not return a completed survey. The total hour burden is estimated to be 1,325 hours.

Survey instrument	Estimated number of respondents	Estimated time per respondent (minutes)	Estimated total annual burden hours (hours)
Mail survey (from initial mailing and postcard reminder)	1,750	30	875
Mail survey (from phone contacts)	350	30	175
Follow-up phone survey	1,250 ^a	6	125
Second mail survey	300	30	150
Total	3,400^b		1,325

^a Number of successful phone contacts of households that have not returned completed surveys following initial mailing and postcard reminder.

^b Total respondents reflect the total sample size minus the households that do not complete the mail survey or phone interview.

¹⁰ Although we will attempt to reach all households in the sample that have not returned a completed survey to this point, we do not expect to be able to reach more than 1,250 in a timely and affordable manner.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

No additional cost burden will be imposed on respondents aside from the burden hours indicated above.

14. Provide estimates of annualized costs to the Federal government.

Annual cost to the Federal government of the pretest is approximately \$200,000 divided as follows: \$195,000 in contract award money and \$5,000 in staff time and resources. Contractor services include conducting the survey implementation.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

This is a new collection, and is thus a program change. Reasons for this collection were outlined in Items 1 and 2.

16. For collections whose results will be published, outline the plans for tabulation and publication.

A NMFS processed report is planned that documents the sampling procedures and response rates and provides statistical summaries (i.e., means, variances, and frequency distributions) of data collected in the survey. This report is not expected to receive outside peer review. However, internal reviews will be done.

The econometric analysis of the stated preference choice experiment data will be reported in one or more papers that will be submitted for publication at leading environmental economics peer-reviewed journals, such as the *Journal of Environmental Economics and Management*, *Land Economics*, or *Environmental and Resource Economics*.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

This item is not applicable, as the expiration date for OMB approval of the information collection will be shown on the survey.

18. Explain each exception to the certification statement identified in Item 19 of the OMB Form 83-I.

There are no exceptions to Item 19 of the OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.

The potential respondent universe is all U.S. households (approximately 106 million according to the 2000 Census). A stratified random sample of approximately 800 Alaska households and 4,200 non-Alaska U.S. households will be used. Alaskan households are oversampled to ensure the inclusion of their preferences, since they are potentially more directly affected by actions to protect Steller sea lions and are likely to have more familiarity with Steller sea lions. The non-Alaska U.S. household sample is larger, recognizing the importance of sample size considerations for the ultimate goal of generating reliable national estimates.

For the collection as a whole, a response rate of approximately 57% is anticipated. This is the response rate achieved for the pilot pretest implementation treatment employing a \$10 monetary incentive (see Appendix).

2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.

The survey will use a stratified random sample of approximately 5,000 households purchased from a professional sampling vendor (see footnote 4). The population is stratified into Alaska and non-Alaska households with the Alaska household stratum consisting of approximately 800 households and the non-Alaska stratum consisting of approximately 4,200 households. The advance letter and cover letter accompanying the initial mailing will solicit the participation of a male or female head of household to complete the survey.

For each stratum, a sample of households will be purchased. Up to 15% of the purchased sample may be invalid, leading to valid samples of 680 and 3,570, respectively, for the two strata.

Survey responses will be used to statistically estimate a valuation model using a random utility-based multinomial choice model to assess the statistical significance of the set of attributes as contributors to the respondent's preferences for protecting Steller sea lions. Given the expected response rates, the sample sizes described above should be sufficiently large for this modeling and for data analysis generally. Assuming a conservative sample size estimate of 2100, each with three stated preference choice question responses per respondent (i.e., responses to Q10, Q11, and Q12), will result in 6300 (non-independent) observations. This provides a very large amount of observations with which to estimate the valuation function. To our knowledge, this sample size exceeds most, if not all, sample sizes for peer reviewed public good valuation studies. Summary statistics (means, medians, standard deviations, minimums, and maximums) will be calculated for responses to questions as well.

3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield “reliable” data that can be generalized to the universe studied.

Numerous steps have been, and will be, taken to maximize response rates and deal with non-response behavior. These efforts are described below.

Maximizing Response Rates

The first step in achieving a high response rate is to develop an appealing questionnaire that is easy for respondents to complete. Significant effort has been spent on developing a good survey instrument. Experts on economic survey design and stated preference techniques were hired to assist in the design and testing of the survey. The current survey instrument has also benefited from input on earlier versions from several focus groups and one-on-one interviews (verbal protocols and cognitive interviews), and peer review by experts in survey design and non-market valuation, and by scientists who study Steller sea lions, other marine mammals, and fisheries. In the focus groups and interviews, the information presented was tested to ensure key concepts and terms were understood, figures and graphics (color and black and white) were tested for proper comprehension and appearance, and key economic and design issues were evaluated. In addition, cognitive interviews were used to ensure the survey instrument was not too technical, used words people could understand, and was a comfortable length and easy to complete. The result is a high-quality and professional-looking survey instrument.

The implementation techniques that will be employed are consistent with methods that maximize response rates. Implementation of the mail survey will follow the Dillman Tailored Design Method (2000), which consists of multiple contacts. The specific set of contacts that will be employed is the following:

- i. An **advance letter** notifying respondents a few days prior to the questionnaire arriving. This will be the first contact for households in the sample.
- ii. An **initial mailing** sent a few days after the advance letter. Each mailing will contain a personalized cover letter, questionnaire, and a pre-addressed stamped return envelope. The initial mailing will also include a \$10 incentive.
- iii. A **postcard follow-up reminder** to be mailed 5-7 days following the initial mailing.
- iv. A **follow-up phone call** to encourage response. Individuals needing an additional copy of the survey will be sent one with another cover letter and return envelope.
- v. A **second full mailing** will be sent using USPS certified mailing to all individuals who have not returned the survey to date, including individuals who we were unable to contact in the first phone interview.

Non-respondents

To better understand why non-respondents did not return the survey and to determine if there are systematic differences between respondents and non-respondents, those contacted in follow-up phone call(s) and identified as non-respondents will be asked a few questions to gauge their

reasons for not responding to the mail survey. These include select socioeconomic and demographic classification questions and a few attitudinal questions. Information collected from non-respondents will aid in improving the survey implementation and to correct for non-response bias.

Specific steps that will be employed to assess the presence and extent of non-response bias are the following:

- As a first step, demographic characteristics collected from respondents and non-respondents will be used in two comparisons: a comparison of respondents to non-respondents and a comparison of respondents to U.S. Census data. For respondents, age, gender, income, and education information will be available from the completed survey. The same information will be available from non-respondents who participate in the telephone interview. A comparison of the demographic differences may indicate how respondents and non-respondents are different with respect to these characteristics. We will also compare demographic information for survey respondents with U.S. Census data to evaluate sample representativeness on observable data.
- A parallel type of comparison will be made with respect to answers to the attitudinal questions asked of respondents and non-respondents. One of these questions is the General Social Survey question (Q2 in the mail surveys and Q1 in the telephone interview). The distribution of responses to this question by respondents and non-respondents will be evaluated for the two groups and compared with the GSS survey results for the most recent occurrence of this question. Q1 in the mail surveys and Q2 in the telephone interview are the same and thus allow another means to compare respondents and non-respondents. The demographic and attitudinal question comparisons will enable us to assess how similar respondents and non-respondents are to each other and to the general population (except for the non-GSS attitudinal questions).
- Another step that will be taken to evaluate the potential for non-response bias will be the analysis of estimated values from the preference function as a function of time/sample size. This approach essentially seeks to assess whether the estimated economic values stabilize as additional sample is added over time. In some surveys, estimated economic values (i.e., willingness to pay) decrease for respondents who return the survey later, perhaps reflecting that early responders may be more interested in the topic and thus have higher values. By analyzing how WTP changes during response waves, we can evaluate the potential presence and significance of this effect on population wide estimates.

After taking the steps above, we will evaluate the potential magnitude of potential non-response bias on the valuation results. If the potential is large, we will evaluate additional actions, such as employing the approach of Cameron, Shaw, and Ragland (1999) (or newer approaches along these lines) to explicitly account for sample selection in the model estimates. Their approach extends the general Heckman (1979) sample selection bias correction model to the specific case of mail survey non-response bias. The approach involves using zip code level Census data as explanatory variables in the sample selection decision to explain an individuals' propensity to respond to the survey.

4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval.

Several focus groups with fewer than ten members of the general public were conducted during the survey design phase (prior to the formal pretest) to test concepts and presentation of elements of the survey. These focus groups were conducted in Seattle and Denver. The survey instrument was then further evaluated and revised using input from one-on-one interviews conducted in Anchorage, Denver, Sacramento, and Rockville (Maryland). Both verbal protocol (talk aloud) and self-administered interviews were conducted, both with follow-up debriefing by team members. Moreover, the survey design and implementation plan have benefited from reviews conducted by academics with expertise in economic survey design and implementation.

More recently, a focus group held in Seattle was conducted to further evaluate the changes made to the survey instrument since the formal pretest.

5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

Several individuals were consulted on the statistical aspects of the design:

Dr. David Layton
Associate Professor of Public Affairs
University of Washington
(206) 324-1885

Dr. Robert Rowe
Chairman of the Board
Stratus Consulting, Inc.
(303) 381-8000

Dr. Roger Tourangeau
Director, Joint Program in Survey Methodology
University of Maryland and
Senior Research Scientist, Survey Research Center
University of Michigan

Dr. Dan Lew
Economist
NOAA Fisheries
(206) 526-4252

Dr. David Layton, Dr. Robert Rowe, Dr. William Breffle (Stratus Consulting) and Dr. Dan Lew will be involved in the analysis of the data.

PA Consulting conducted the pilot pretest implementation under OMB Control No.: 0648-0511, but no contractor has been selected for the full implementation yet.

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- Turcin, B. and Giraud, K. (2003) "Motivations in willingness to pay estimates across geographically nested samples: case study of Alaskan Steller sea lion." Working paper, Department of Resource Economics and Development, University of New Hampshire.

APPENDIX

Some Formal Pilot Pretest Results

Monetary incentives and response rates

Under OMB Control #648-0511, two pilot pretests were conducted to test survey protocols with particular emphasis on determining the effect on response rates of three monetary incentive amounts, \$2, \$5, and \$10. The first pilot survey employed the \$2 and \$5 treatments, while the second pilot survey (conducted under a worksheet change) used a \$10 incentive for all respondents.

Total response rates (calculated as the number of completes over the total eligible respondents) for each treatment are listed in Table A-1.

Table A-1. Response Rates by Incentive Amount

Incentive Amount	Response Rate (Total eligible sample size)
\$2	34.9% (192)
\$5	49.0% (200)
\$10	57.0% (142)

Statistical tests of differences between the response rates of the three treatments suggest that the \$5 treatment and \$10 response rates are significantly larger than the \$2 treatment, with corresponding p-values of 0.00235 and 0.000281, respectively (for a one-sided statistical test with a null hypothesis of equal response rates). In addition, the \$10 treatment response rate is statistically different from the \$5 treatment response rate at the 10% level (p-value of 0.0711).

To further assess differences between the responses achieved by incentive amount, we examined the item non-response rate for critical questions (i.e., the choice questions in the pretest survey, Q11, Q13, and Q14). Across incentive amounts, these questions had a very high item response rate, with less than 5% non-response to any of these questions. The lowest item non-response rates (1.23%) were seen in the \$10 treatment for all of these questions except for one. Across all questions, the \$10 treatment had the fewest cases of questions with item non-response rates exceeding 5% (only 2 questions compared with 3 for the \$2 treatment and 6 for the \$5 treatment). While these results are based on small samples, they do suggest the larger incentive amount may help reduce item non-response rates for key questions.

Monetary incentives and willingness to pay

To assess whether the samples obtained using different monetary incentives lead to different estimates of willingness to pay (WTP), we estimated several simple linear main effects conditional logit models. For the policy scenario that assumes the most conservation benefits, the estimated WTPs from these models for the \$2, \$5, and \$10 samples are not statistically different due to very wide confidence bounds. These noisy results are consistent with other models that were run and can be attributed to the combined effects of small pretest samples and a limited experimental design that was not designed solely to estimate WTP (it was also used to address scope effects and other methodological issues).

Correlation between general attitudinal questions and stated preferences

Results from the pretest implementation provide additional evidence of the correlation of both questions Q1 and Q3 with the choice question responses (Q11, Q13, and Q14). Tables A-2 and A-3, which summarize responses to the choice questions over the distribution of responses to Q1 and Q2, display clear and consistent trends in support of correlation.

As shown in Table A-2, respondents with positive (negative) feelings about the Endangered Species Act (Q1) are much more likely to say the status quo (SQ) alternative is the worst (best) option in the choice questions (Q11, Q13, and Q14 in the pretest survey).¹¹

Table A-2. Evidence of Correlation Between Responses to Q1 and Choosing the Status Quo Alternative in Stated Preference Choice Questions from Pretest Implementation

<i>Q1 - When you think of the Endangered Species Act, how positive or negative is your general reaction?</i>	<i>No. of individuals</i>	<i>Percent indicating SQ is worst choice</i>	<i>Percent indicating SQ is best choice</i>
Mostly positive	72	78.7%	8.3%
Somewhat positive	43	62.0%	20.9%
Neutral	22	47.0%	51.5%
Somewhat negative	6	55.6%	33.3%
Mostly negative	4	8.3%	83.3%

Note: Responses are pooled over the three choice questions. Percentages in the last two columns do not sum to 100% due to the percentage of respondents that indicated the status quo is neither the best nor the worst choice.

Moreover, Table A-3 shows that individuals who disagreed with the statement that “Protecting threatened and endangered species is important to me” generally did not choose the status quo alternative as the worst choice, which is consistent with the idea that these individuals would

¹¹ There are minor variances to the trends in the data in this table and in Table A-3. These are not surprising given the small sample sizes in the pretest, the fact that differences in respondent incomes and other variables were not accounted for, and the responses were not carefully examined for response validity based on other criteria, all of which will be done in the full study when using Q1 and Q3 to evaluate choice question responses.

generally prefer to not spend money on alternatives that do more to protect Steller sea lions. Conversely, those agreeing with the statement are more likely to indicate the SQ option is the worst choice. More generally, if respondents agreed (disagreed) that protecting threatened and endangered species was important, they were much more likely to say the SQ option was the “worst” (“best”) option among those presented in the choice questions (Q11, Q13, and Q14).

Table A-3. Evidence of Correlation Between Responses to Q3 (part 1) and Choosing the Status Quo Alternative in Stated Preference Choice Questions from Pretest Implementation

<i>Q3 – Protecting threatened and endangered species is important to me</i>	<i>No. of individuals</i>	<i>Percent indicating SQ is worst choice</i>	<i>Percent indicating SQ is best choice</i>
Strongly disagree	5	13.3%	86.7%
Somewhat disagree	5	33.3%	46.7%
Neither agree or disagree	16	33.3%	54.2%
Somewhat agree	63	64.6%	20.1%
Strongly agree	64	80.7%	9.4%

Note: Responses are pooled over the three choice questions. Percentages in the last two columns do not sum to 100% due to the percentage of respondents that indicated the status quo is neither the best nor the worst choice.

Responses by Survey Stage

In each survey treatment, the majority of completed surveys were returned before the telephone interviews were conducted. Specifically, 78% of all completes were received for the \$10 treatment, 83% for the \$5 treatment, and 82% for the \$2 treatment. Following the telephone contact, another 14%, 6%, and 18% of completes were received. The remainder of completes in each treatment was received after the second full mailing was sent out.

As Table A-4 shows, the \$10 incentive led to higher response rates in the earlier survey stages than the other incentive levels, which suggests the higher incentive will lead to lower costs of follow-up activities due to fewer non-respondents that remain to be contacted.

Table A-4. Percent of Mail Outs Received by Survey Stage (number of completes in parentheses)

<i>Survey Stage</i>	<i>\$2 incentive</i>	<i>\$5 incentive</i>	<i>\$10 incentive</i>
Initial mailing and postcard reminder	28.65% (55)	40.50% (81)	44.37% (63)
Telephone interviews	6.25% (12)	3.00% (6)	7.75% (11)
Second full mailing	0.00% (0)	5.50% (11)	4.93% (7)
Total response rate	34.90% (67)	49.00% (98)	57.04% (81)

Changes to Survey Instrument Following the Formal Pretest

The following changes were made to the survey instrument following the formal pretest implementation:

- For the reasons discussed on page 2 of the supporting statement, a total of three survey versions were developed that embodied different assumptions about the likely future ESA status and population size of the Western stock of Steller sea lions.
- Q2 in the pretest survey instrument was replaced with a General Social Survey-based question that enables a means of comparison with another nationwide general population survey. As with the original Q2 used in the pretest instrument, the question also acts to remind respondents that the issue in the survey (protection of threatened and endangered species) is only one of several social issues they may care about, as discussed on page 3 of the supporting statement.
- Q10 in the pretest survey instrument was intended to gather data on preferences for protecting Steller sea lions in areas that may be more costly to protect, and was used to set up an attribute of the protection alternatives in the stated preference choice questions. From the pretest results and focus group testing, this question and the issues it raises do not appear to be a major issue for respondents and sometimes leads to confusion. Therefore, Q10 and its associated attribute in the choice questions were dropped from the survey instrument for the final implementation. Removing the issue from the survey greatly simplifies the choice questions and allows us to increase resources devoted to understanding differences in willingness to pay associated with the different Western stock baselines.

APPENDIX

Some Formal Pilot Pretest Results

Monetary incentives and response rates

Under OMB Control No.: 648-0511, two pilot pretests were conducted to test survey protocols with particular emphasis on determining the effect on response rates of three monetary incentive amounts, \$2, \$5, and \$10. The first pilot survey employed the \$2 and \$5 treatments, while the second pilot survey (conducted under a worksheet change) used a \$10 incentive for all respondents.

Total response rates (calculated as the number of completes over the total eligible respondents) for each treatment are listed in Table A-1.

Table A-1. Response Rates by Incentive Amount

Incentive Amount	Response Rate (Total eligible sample size)
\$2	34.9% (192)
\$5	49.0% (200)
\$10	57.0% (142)

Statistical tests of differences between the response rates of the three treatments suggest that the \$5 treatment and \$10 response rates are significantly larger than the \$2 treatment, with corresponding p-values of 0.00235 and 0.000281, respectively (for a one-sided statistical test with a null hypothesis of equal response rates). In addition, the \$10 treatment response rate is statistically different from the \$5 treatment response rate at the 10% level (p-value of 0.0711).

Correlation between general attitudinal questions and stated preferences

Results from the pretest implementation also provide additional evidence of the correlation of both questions Q1 and Q3 with the choice question responses (Q11, Q13, and Q14). As shown in Table A-2, the more positive a person's expressed reaction to the Endangered Species Act (Q1), the more likely they are to say the status quo (SQ) alternative is the worst choice in the choice questions, which is equivalent to saying they have a positive willingness to pay for protecting Steller sea lions. Specifically, very few individuals with a negative reaction to the Endangered Species Act (ESA), and thus perhaps a negative view of protection threatened and endangered species, were willing to pay a positive amount of money for alternatives that involve doing more and paying more to protect Steller sea lions. Conversely, there was a large number of individuals with positive reactions to the ESA that said they prefer alternatives that do more and cost more to doing nothing more.

Table A-2. Evidence of Correlation Between Responses to Q1 and Choosing the Status Quo Alternative in Stated Preference Choice Questions from Pretest Implementation

<i>Q1 - When you think of the Endangered Species Act, how positive or negative is your general reaction?</i>	<i>Q11 - SQ is worst choice</i>	<i>Q13 - SQ is worst choice</i>	<i>Q14 - SQ is worst choice</i>
Mostly positive	56	58	56
Somewhat positive	25	29	26
Neutral	10	11	10
Somewhat negative	4	3	3
Mostly negative	1	0	0

Another general attitudinal question that appears correlated to responses to the choice questions is Q3. As Table A-3 shows, individuals who disagreed with the statement that “Protecting threatened and endangered species is important to me” generally did not choose the status quo alternative as the worst choice, which is consistent with the idea that these individuals would generally prefer to not spend money on alternatives that do more to protect Steller sea lions. Also, individuals who agreed with the statement tended to dislike the status quo alternative.

Table A-3. Evidence of Correlation Between Responses to Q3 (part 1) and Choosing the Status Quo Alternative in Stated Preference Choice Questions from Pretest Implementation

<i>Q3 - Protecting threatened and endangered species is important to me</i>	<i>Q11 - SQ is worst choice</i>	<i>Q13 - SQ is worst choice</i>	<i>Q14 - SQ is worst choice</i>
Strongly disagree	1	1	0
Somewhat disagree	3	1	1
Neither agree or disagree	6	5	5
Somewhat agree	38	42	42
Strongly agree	50	55	50

Responses by Survey Stage

In each survey treatment, the majority of completed surveys were returned before the telephone interviews were conducted. Specifically, 78% of all completes were received for the \$10 treatment, 83% for the \$5 treatment, and 82% for the \$2 treatment. Following the telephone contact, another 14%, 6%, and 18% of completes were received. The remainder of completes in each treatment was received after the second full mailing was sent out.

Literature Review

This study is concerned with measuring the economic benefits of protecting the threatened Eastern and endangered Western stocks of Steller sea lions. These benefits are primarily the result of the non-consumptive values that individuals attribute to such protection. By non-consumptive value, we refer to active use values such as viewing (rather than consumptive use values such as harvesting) and passive use values to protect or restore Steller sea lions apart from on-site active use, such as reading about or seeing films about Steller sea lions, protecting Steller sea lions for use by others now and in the future (bequest values), and protecting Steller sea lions unrelated to direct human use such as for ecological purposes (existence values).⁴

Since threatened and endangered (T&E) species, like Steller sea lions, are not traded in observable markets, standard market-based approaches to estimate their economic value cannot be applied. As a result, studies that attempt to estimate this value must rely on non-market valuation methods, specifically stated preference (SP) methods (Mitchell and Carson, 1989; Bateman and Willis, 1999; Louviere, Hensher, and Swait, 1999). These survey-based methods involve asking individuals to reveal their preferences or values for non-market goods, such as the protection of T&E species, through their responses to questions in hypothetical market situations.

One particular SP method, the contingent valuation method (CVM), has been the dominant approach for valuing T&E species.⁵ In a typical contingent valuation survey, a public good is described, such as a program to protect one or more T&E species, and respondents are asked questions to elicit their willingness-to-pay (WTP) for the public good through a payment vehicle, like taxes or contributions to a trust fund (Cummings, Brookshire and Schulze, 1986; Mitchell and Carson, 1989; Arrow, et al., 1993)⁶. Contingent valuation methods are differentiated by the way they elicit WTP. Respondents are commonly asked to state their maximum WTP (an “open-ended” CVM question), choose the amount they are willing to pay from a list of values (a “payment card” CVM question), or accept or reject a specific amount (a “referendum”, or discrete-choice, CVM question). Variations of these question formats exist, but these are the most frequently used. When asked properly, answers to CVM questions yield an estimate of compensating surplus or compensating variation, depending upon the format of the question posed (Freeman, 1993). Although the CVM has been subject to much criticism (e.g., Diamond and Hausman [1991]), the NOAA Panel on Contingent Valuation found that despite its problems, “a well-conducted CV study provides an adequately reliable benchmark” (Arrow *et al.*, 1993) to begin discussions on appropriate values.

⁴ See Freeman (1993) for an overview of issues related to motivations for valuing non-market goods, including various use and non-use motivations, and Cummings and Harrison (1995) for a discussion of the limitations of empirical methods to place dollar values on specific motivations.

⁵ Some studies have used other SP methods, although this is only seen in studies that do not have as a primary focus the valuation of individual species. For example, Blamey, Rolfe, Bennett, and Morrison (2000) use the choice experiment SP method to value the number of endangered species in the Desert Uplands region of Central Queensland, Australia. The number of endangered species was included as one of 6 attributes that described alternative tree clearing policies allowing the value of changes in the number of endangered species to be calculated (irrespective of the actual species lost).

⁶ While willingness-to-accept (WTA) is sometimes the more relevant welfare measure, empirical and experimental evidence has pointed to the use of WTP welfare measures in stated preference surveys (e.g., Hanemann [1991], Arrow, et al., [1993], Adamowicz, Bhardwaj, and McNab [1993], Mansfield [1999]).

To date, over 30 studies, representing dozens of species, have been conducted to estimate the economic value of one or more threatened or endangered (T&E) species, all employing contingent valuation methods. Loomis and White (1996) conducted a meta-analysis of 20 T&E (and rare) species valuation studies and found that annual WTP to protect rare and threatened and endangered species ranged from \$6 to \$95. Much of the variation they found in WTP values could be explained by the type of species valued (e.g., whether it is a mammal or bird), by the change in population being valued, and by the type of individual being asked to provide WTP (e.g., user vs. non-user).

T&E species valuation studies can be categorized into two groups—*aggregate* species valuation studies and *disaggregate* species valuation studies. The former type of study asks respondents to value a group of T&E species, or a group of species that include T&E species, as a whole. These studies yield WTP estimates that cannot be assigned to any constituent species within the group of species valued. An example of this type of study is Olsen, Richards, and Scott (1991), which involved estimating WTP to protect salmon and steelhead in the Pacific Northwest. The resulting welfare values cannot be divided among the different salmon species in the region, or separated from the WTP to protect steelhead. Similarly, economic values estimated by Berrens, et al. (2000) for protecting 11 T&E fish species in New Mexico and Ekstrand and Loomis (1998) for protecting all 62 T&E species in the Four Corners region of the U.S. cannot be disaggregated to identify values of individual species. As a result, the focus in this appendix is on the latter type of valuation studies, those that provide economic values for individual species.

The individual T&E species valued in these disaggregate species valuation studies range from “charismatic megafauna” like owls (Rubin, Helfand, and Loomis, 1991; Hagen, et al., 1992; Loomis and Ekstrand, 1997; Loomis and Ekstrand, 1998; Giraud, Loomis, and Johnson, 1999), wolves (Duffield, 1992), and bald eagles (Boyle and Bishop, 1987; Swanson, 1996; Stevens, et al., 1991; Stevens, et al., 1994), to lesser known species such as the striped shiner (Boyle and Bishop, 1987) and the silvery minnow (Berrens, et al., 2000). Of particular relevance are studies that focus on estimating the public’s WTP for protecting T&E marine mammals in the U.S.⁷ These include Hageman (1985), Samples and Hollyer (1990), Loomis and Larson (1994), Giraud, et al. (2002), and Solomon, Corey-Luse, and Halvorsen (2003).

Of these, one provides estimates of the economic value of Steller sea lions to Alaskans and the overall U.S. population (Giraud, et al., 2002).⁸ The questionnaire used in this study asked a referendum CVM question that involved voting for a measure that would create an “Enhanced Steller Sea Lion Recovery Program”, but would lead to an increase in federal taxes to the respondent’s household. Surveys were mailed to a stratified sample of U.S. households, Alaska households, and households living in Alaska boroughs that contain Steller sea lion critical habitat. The overall response rate was 63.6%, with a 51.16% response rate from the national sample. In the U.S. sample, responses to the CVM question yielded a mean annual household WTP of \$100.22 (in 2000 dollars), which was adjusted to \$61.13 under the assumption that protest respondents, which comprise over 20% of the sample, and non-respondents have zero WTP. As noted in the supporting statement, several shortcomings of the survey, particularly the absence of information about the Eastern stock and the somewhat vague description of the public

⁷ There are several studies that value species in other countries (Fredman, 1995; White, et al., 1997; Langford, et al., 1998; Jakobsson and Dragun, 2001; Macmillan, et al., 2002; Kontoleon and Swanson, 2003), including one that values the Mediterranean monk seal, which is critically endangered in Europe (Langford, et al., 1998).

⁸ See also Turcin (2002) and Turcin and Giraud (2003).

good to be valued, bring into question the validity and interpretation of the estimated welfare estimates for Steller sea lion protection. Although no other study values Steller sea lions, several studies provide estimates of other marine mammal species, including seals and whales. These are briefly discussed below.

Hageman (1985) used a mail survey of California residents to estimate the value of bottlenose dolphins, California sea otters, Northern elephant seals, gray whales, and blue whales. Of these, only the California sea otter (threatened), gray whale (threatened), and blue whales (endangered) were listed species at the time the study was conducted. Respondents to the survey were asked to indicate their WTP for a protection fund to preserve existing population levels of each species in payment card with a follow-up open-ended CVM questions. Mean annual household WTP across species ranged from a low of \$21.69 for Northern elephant seals to a high of \$28.78 for blue whales (all in 1984 dollars). It is important to note that these estimates were calculated from small samples, ranging from 93 to 174 respondents, resulting from a survey implementation with a correspondingly low overall response rate of 21%. The poor response rate likely is due in large part to the complex questionnaire, which was not designed to maximize response rates (very dense and small text, complicated instructions, confusing layout, etc.). The fact that only California households were sampled precludes the extension of value estimates to the larger U.S. population, unless it is assumed that preferences for marine mammals are identical outside California. Pate and Loomis (1997) provide evidence that preferences for wetland and wildlife protection in the San Joaquin Valley in California are different for respondents who live further away, which suggests one reason why assuming identical preferences for non-target populations is not prudent. This portability issue is a trait this study has in common with other marine mammal valuation studies, specifically, Samples and Hollyer (1990), Loomis and Larson (1994), and Solomon, Corey-Luse, and Halvorsen (2003).

Samples and Hollyer (1990) conducted a study to understand public values for humpback whales and Hawaiian monk seals. Both are listed as endangered under the Endangered Species Act (ESA). Information about how much money or time respondents would be willing to donate to preserve these species was collected in an in-person survey from a small stratified sample of Oahu (Hawaii) residents based on age, income, and gender. Several survey versions were employed that differed in the order the species were valued and whether respondents were told that only one or both species were threatened. Across survey versions, the mean WTP values (sum of the monetary WTP and time WTP valued at \$1/hour) ranged from \$125 to \$142 for humpback whales and from \$62 to \$103 for Hawaiian monk seals (in 1986 dollars). These values do not account for the possible presence of protest respondents, as there were no questions to probe why respondents were not willing to pay anything (these respondents were all assigned a zero value and included in the analysis), a standard practice in CVM surveys (Carson, Flores, and Meade, 2001). Additionally, the study uses open-ended CVM questions to elicit WTP values. Open-ended questions have been criticized as lacking incentive compatibility and leading to biased WTP estimates (e.g., Arrow, et al., 1993; Hanemann, 1994; Carson, Flores, and Meade, 2001). As with the Hageman study, additional caution should be taken in interpreting these welfare estimates as they are based on very small samples (each between 53 and 72 responses) and are for a limited geographic sample.

To assess whether WTP for gray whale increases is invariant to the size of the increase, Loomis and Larson (1994) undertook an in-person intercept survey of whale-watchers and a household mail survey in California. Using open-ended CVM questions, the questionnaires asked

respondents how much they would be willing to pay into a special protection fund that would be used to increase the gray whale population by 50% and 100%. It is unclear whether any mention was made of the gray whale's threatened status, or whether the population increases would affect this status. The intercept survey targeted visitors at four whale-watching locations, while the mail survey was sent to a random sample of California households. Overall response rates were much higher than those achieved by Hageman (1985) and Samples and Hollyer (1990), with 71.3% (672 respondents) of the intercepts yielding completed surveys and 54% of the household surveys (519 respondents) being completed and returned. Visitors were willing to pay \$25 per year on average for a 50% increase and \$29.73 for a 100% increase, while households were willing to pay \$16.18 and \$18.14 per year, respectively (in 1992 dollars). Values for the larger population increase were found to be significantly greater, indicating preferences that are consistent with economic theory.

The most recent study to value a T&E marine mammal species is a study of the endangered manatee (Solomon, Corey-Luse, and Halvorsen, 2004). The paper focused on safe minimum standard issues, but includes a brief discussion of research involving the use of CVM to value the manatee in Florida. A mail survey was sent to a sample of households in Citrus County (Florida) drawn from phone books and stratified by gender. The survey achieved a 36% response rate. Respondents were asked to indicate their WTP in donations to a fund to protect manatees under the counterfactual that government protection of manatees in Florida was removed. A modified payment card CVM question was asked, and a mean household WTP of \$10.25 (in 2001 dollars) was reported based on a sample size of 297. Although the samples were pooled to calculate WTP, the representativeness of the households in the sample is questionable due to the stratification of the sample by gender using phone book listings.⁹ Additionally, like other studies discussed above, the small sample and low response rate preclude extrapolating the results to the population (in this case, households in Citrus County). The study also does not mention whether protest respondents were identified and how they are treated in the analysis.

An important difference between these studies relates to what they are seeking to value. In Loomis and Larson (1994), respondents are asked for the WTP for enhanced population levels for gray whales. This is in contrast to Hageman (1985), Samples and Hollyer (1990), and Solomon, et al. (2004), all of whom ask respondents to value protecting species from decreasing from current levels. That is, these studies elicit WTP for preserving current levels, which implies maintaining species at threatened or endangered levels, not changing them to some improved level. This distinction is important to the extent that WTP varies with both the size of T&E species population levels and with changes to their threatened or endangered status (Fredman, 1995).

For several reasons, the estimated values for T&E species generated from these studies are unlikely to provide insights into the economic value of Steller sea lions that can inform policy. First, as mentioned above, most of the studies used samples from limited populations, drawing from residents or households of California (Hageman, 1985; Loomis and Larson, 1994), Oahu (Samples and Hollyer, 1990), or a county in Florida (Solomon, et al., 2004). Hence, they are not easily generalized to the U.S. population. Second, the sample sizes and survey response rates were often too poor to generate WTP estimates that can be justified as representative of the target

⁹ Using phone book listings as sampling frames preclude households without phones, who are unlisted, and those who have recently moved.

populations. None of the studies achieved response rates from general population samples exceeding 60%, with most being well below 50%; nor is there any mention in the studies about analyzing non-respondent bias. Moreover, most used sample sizes that are too small to draw inferences from the population. Third, there is no evidence to believe that values for Steller sea lions are similar to other marine mammal species, as is suggested by the range of values for the variety of marine mammals described above. And finally, it is important to recognize that the CVM studies yield economic values for protection at a specific level, but in the policy process economic benefits of protection at numerous levels is desired.

The present study departs from previous T&E species valuation studies by employing a choice experiment (CE), or stated choice, approach for eliciting economic values for Steller sea lions. CE methods are relatively new to the valuation of environmental goods, despite having a long history in the marketing and transportation fields (e.g., Louviere and Woodworth [1983] and Louviere [1992]).¹⁰ A typical CE involves presenting respondents with two or more choice questions, each having a set of alternatives that differ in attributes. For each question, respondents are asked to select the alternative they like best. The choice responses are used to estimate a preference function that depends upon the levels of the attributes. Adamowicz, Louviere, and Swait (1994) were the first to apply the method in non-market valuation in a study of recreational opportunities in Canada. Since then, CE has been used in a number of studies to estimate use values for activities like hunting (Adamowicz, et al., 1997; Bullock, Elston, and Chalmers, 1998) and climbing (Hanley, Wright, and Koop, 2002). The approach has also been used to estimate non-consumptive use values associated with forests in the UK (Hanley, Wright, and Adamowicz, 1998) and Woodland caribou habitat (Adamowicz, et al., 1998).

Hanley, et al. (1998) presents several arguments for why CE may be a better approach for valuing non-market goods than CVM. Of those discussed, two are particularly important—the ability to estimate the value of individual attributes of a choice alternative and the avoidance of “yea-saying” and embedding. In choice experiments, economic values for changes to attributes of a choice alternative can be obtained in a straightforward fashion. For example, if the choice is between competing T&E species protection programs that differ in the resulting population level of a species, the marginal value of changes in population can be estimated directly from the estimated preference function. This makes CE particularly attractive as a flexible means of estimating the economic benefits resulting from a wide range of policy instruments. One problem with referendum CVM is “yea-saying” (Blamey, Bennett, Morrison, 1999), which occurs when respondents accept the proffered bid amount regardless of their actual preferences. CE is believed to decrease the possibility of this behavior since respondents are not offered an all-or-nothing choice, but rather choose from among multiple alternatives with different features and costs. Embedding is another problem associated with many CVM applications that CE is believed to mitigate. This issue arises when the estimated preferences are insensitive to the amount of public good provided (Diamond and Hausman, 1993). CE is believed to avoid this problem by building in tests of scope directly into the way it asks for choice information. That is, using our previous example, it is a trivial task to determine whether WTP increases with increases in the population size of the population level of the species, since it is an explicit attribute. As a result, the test for “yea-saying” in a CE involves a hypothesis test of the sign and significance of the parameters related to this attribute.

¹⁰ Hanley, Wright, and Adamowicz (1998), Alpizar, Carlsson, and Martinsson (2001), and Hanley, Mourato, and Wright (2001) provide useful overviews of choice experiments in non-market valuation.

A few concerns about the CE approach have been identified as well. An obvious one is whether the repeated questioning involved in the CE method leads to respondent fatigue or learning effects (Hanley, et al., 2001). Another is the limits placed on the results by the choice of experimental design (set of attributes and attribute levels that are seen by respondents). Adamowicz, Boxall, Williams, and Louviere (1998) point out that researchers typically choose main effects statistical designs for CE studies and consequently limit the way the attributes can enter the preference function. This is often a practical reality, as identifying interaction effects between attributes requires asking about more choice alternatives through more choice questions which either means more survey versions or longer surveys. An additional concern is identified by Lusk and Schroeder (2004), who conduct a comparison of CE with actual choices (using steak purchases) and show that WTP is overestimated by the CE, suggesting CE results exhibit hypothetical bias.

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October 16, 2006

Ms. Diana Hynek
Departmental Paperwork Clearance Officer
Department of Commerce
Room 6625
14th and Constitution Ave. NW
Washington, D.C. 20230

Dear Ms. Hynek:

I write to share my professional opinion of the draft survey entitled “The Future of Steller Sea Lions: What is Your Opinion?” This is the survey announced in 71 FR 47177, an announcement that was corrected in 71 FR 54472.

I am a researcher who specializes in knowledge and attitude surveys about marine mammal-related issues, including recovery programs for marine mammals protected under the Endangered Species Act. I have written and conducted targeted and general public surveys concerning marine mammals, and analyzed and published their results in books and journals such as *Conservation Biology* and *Endangered Species Update*. I write to you now to share my comments on the National Marine Fisheries Service’s (NMFS) proposed survey and the agency’s justification for the use of the survey.

First, the survey. I find the survey to be an ill-considered and poorly constructed research instrument. As constructed, its (I assume unintended) purpose will be to bias respondents toward a view of Steller sea lion recovery that gives greater credence to economic considerations in Endangered Species Act (ESA) implementation than they are statutorily and judicially allowed. The survey is written in a fashion that insufficiently reflects the complexity of either the endangered species or the Steller sea lion policy arenas, will likely mislead the respondents about the nature of endangered species protection (or, at least, NMFS’s approach toward its ESA responsibilities), and is guaranteed to bias respondents’ answers. I offer the following specific comments in support of these general criticisms:

- On page 2, in the phrase “Some people are concerned about the costs of protecting threatened and endangered species because the protection activities may:”, the use of the word “costs” is misleading. Most respondents will read the use of that word in this phrase as implying economic costs, but the first bullet that follows lists costs that are not necessarily economic for those who are deprived of them (such as “limiting recreation” and limiting “fishing activities”). For most recreational fishermen or nature-based tourists, protection activities’ limitations on these activities are not economic limitations, but actual limitations on the freedom to undertake the activities themselves. However, the second bullet then lists economic costs, such as “the cost of producing and providing goods such as food, drinking water, and lumber.” This mixing of terms – the use of ‘costs’ to imply different types of meanings without explaining the differences between the

meanings – will cause dissonance within and confusion by your respondents, and will likely bias the results.

- On page 2, in Q3, the second statement is of questionable utility because it is provided without sufficient context. The statement reads “Protecting jobs is more important than protecting threatened and endangered species” and respondents are asked to state whether they agree or disagree with this statement. However, it is not clear what the point is in asking this question without also asking respondents’ opinions on many other comparisons. This question is likely to set up in the minds of respondents a tension between jobs and endangered species (and thus Steller sea lion) protection. Creating this tension at the beginning of the survey is likely to bias respondents’ answers for the remainder of the survey. As well, in my opinion, it establishes a false dichotomy between Steller sea lion protection (and endangered species protection generally) and “protecting jobs.” This comparison is so often a symptom of the use and misuse of propaganda in public conflicts regarding endangered species and habitat protection that you risk promoting the false sense among the public that this dichotomy – jobs versus wildlife protection – is well established and a concern of NMFS. In fact it is not well established and under the ESA must not be a concern of NMFS when the agency makes decisions about actions under the ESA. Nevertheless, the inclusion of this language is likely to bias the responses after this point in the survey by influencing them to think that they should worry about jobs being threatened by Steller sea lion protection.
- On page 3, the selected information provided for each species – specifically, the use of population size estimates – is misleading, out of context, and will likely bias respondents’ perceptions of the species’ actual status. It will do so because the absolute numbers of animals in each species or population is not the pertinent figure used to determine the need for protection under the ESA. Rather, it is the trends in population size. By providing only absolute numbers, you risk giving respondents a false sense of the actual status of the populations. That is, you have no way of knowing whether a respondent will consider 90,000 Steller sea lions as “enough” and thus not warranting protection. This sort of acontextual perception may be fed by the fact that directly below the Steller figure you describe northern elephant seals as “stable” at 100,000 animals. Given the marginal difference between the sizes of those two populations, it is likely to be confusing to a member of the general public to try to decipher why the Steller sea lion deserves protection, but the elephant seal does not. In addition, the largest absolute population figure you provide on this page is 750,000 for the northern fur seal, a number that will seem large to any general audience, but which masks the pressures and problems that population has experienced over the last half-century, which is more important information to the issues raised by the survey than the actual population numbers. While I recognize that you provide trend information for the two populations of the Steller sea lion, you do not do so until page 6 of the survey, three pages after the introduction of these influential and misleading numbers.

- On page 4, the second bullet after Q4 again promotes the false dichotomy of jobs versus wildlife. The statement “...fish like pollock, mackerel, herring, cod, and salmon that commercial fishermen catch for people to eat” is written using language that risks biasing respondents in the same fashion as the earlier statements about economic considerations. I hope that NMFS would not want bias respondents to favor economic concerns over species protection, but this is likely to be the effect of your use of this language here and elsewhere.
- On page 6, in Q7, what is the point of the question? What will you do with the information, and especially of what relevance to NMFS decision making will the data be if they come back showing an overwhelming majority of respondents are “not at all concerned” about the two stocks of Steller sea lions? *As a general rule, a survey ought to be transparent – that is, the utility of the questions ought to be apparent to the respondent.* In this and other questions, it is not clear how you will use the data or of what utility it will be to NMFS, especially given the statutory mandates of the ESA.
- On page 7, Q8, I have the same concerns as those I state immediately above about Q7. That is, what is the purpose of the question to NMFS’s decision making for Steller sea lions and what will you make of the data if the responses come back overwhelmingly concerned with the loss of jobs due to Steller sea lion protection?
- On page 8, I have serious concerns about the statement “Doing more to protect the Western stock of Steller sea lions will cost every U.S. household more money” and the two bullets that follow it. My concerns are related to those I state above – that the survey is unmistakably preoccupied with economic concerns and with the economic and (ostensibly) other costs of protecting Steller sea lions, so much so that its bias is unmistakable. By extension, the agency will be perceived as biased in the same fashion, thereby fostering a sense among its constituents that it is beholden to political influences that have pressured the agency to implement an economic survey even though the data that will result from such a survey are not viable data in the decision making process authorized under the ESA and would likely spur litigation against the agency were it to attempt to use the survey results as a basis for taking anything less than the strongest protective actions to support Steller sea lion recovery. This bias is promoted so strongly in this survey, and especially brought home in this passage on page 8 because the survey, while it is repeatedly preoccupied with the economic costs of protecting Steller sea lions, fails to address in even the mildest possible fashion the *benefits* of protecting Steller sea lions. I expand on this concern in my comments on the rationale for the survey, below.
- On page 8, Q9, I have the same concerns I have stated regarding Q7 and Q8, above. That is, what is the purpose of the question to NMFS’s decision making for Steller sea lions and what will you make of the data if the responses come back overwhelmingly against spending more money to protect the western stock of Steller sea lions?

- On page 9, Q10, I have the same concerns I have stated regarding Q7, Q8, and Q9, above. That is, what is the purpose of the question to NMFS's decision making for Steller sea lions and what will you make of the data if the responses come back overwhelmingly in favor of the option that costs less?
- On pages 10, 11, and 12, the questions Q11, Q13, and Q14 are most likely too complex for the general public to digest and make an educated response to – there are simply too many variables at play in the matrix to have a high degree of confidence in the responses.
- On page 13, in Q15, the use of the phrasing “some people” is both awkward and unprofessional in this context. There is no particular reason why the public – i.e., respondents – will relate to NMFS's definition of “some people” or the opinion of an unidentified group of people. Who are “some people” according to NMFS? Are they a sample of the general public? If so, you should say so. Are they mid-level government bureaucrats? Are they academics? Are they paid survey-takers with whom you pre-tested the survey? The term is simply not useful in instilling any kind of confidence by the respondents that what “some people” say is meaningful.
- On page 13, again in Q15, the first three of the statement raise serious concerns about your survey methodology. Taking each in order, my concerns are as follows:
 1. “I did not feel it was my responsibility to pay for the protection of Steller sea lions....” This statement is misleading. Respondents' conceptions of responsibility will differ and may not accurately reflect what their actual responsibility is to the protection of marine mammals. When citizens elect their representatives to Congress, they both entrust and ask those representatives to fashion and enact the laws of the United States. By electing their representatives to Congress, the public (and thus we assume your respondents) are accepting responsibility for the laws crafted by those representatives. It is therefore all United States citizens' responsibility to “pay” for Steller sea lion protection just as it is our responsibility to pay for clean water or clean air, or to make government buildings accessible to people with disabilities, or to maintain a strong national defense. Because this is the actual responsibility that citizens have to paying for Steller sea lion protection, but because you do not clarify what is meant by the word “responsibility” in the question, your results will be necessarily without context and thus meaningless as respondent data.
 2. “There was not enough information for me to make an informed choice between the alternatives....” For good reason your respondents might feel this way; you've given them a very narrow and stilted view of endangered species protection with this survey. If the survey actually acts as an

introduction to endangered species protection for any respondents – which it is bound to do – then you will have done them, the ESA, and the Steller sea lion a great disservice through the survey’s narrow scope, biased wording and phrasing, and poor execution. I expand on this point in my comments about the rationale, below.

3. “The added costs I was willing to pay were just to protect Steller sea lions, and not to protect other species....” The results of this question will not be meaningful because you have not given respondents nearly enough of an introduction to other species and their respective protection needs and you have not asked respondents to describe the other protected species about which they might already know and care. So, you have no common basis for comparison of the results of this question. The data that results from this question will therefore be without merit.

Second, the rationale. I will focus my comments on the rationale NMFS put forth in 71 FR 54472, which was a modification of the rationale offered in the original Federal Register notice. In the modified rationale, NMFS states that

“The public benefits associated with the results of protection actions on the endangered Western and threatened Eastern stocks of Steller sea lions (*Eumetopias jubatus*), such as population increases, are primarily the result of the non-consumptive value people attribute to such protection (e.g., active use values associated with being able to view Steller sea lions and passive use values unrelated to direct human use). Little is known about these values, yet such information is needed for decision makers to more fully understand the trade-offs involved in choosing among protection alternatives and to complement other information available about the costs, benefits, and impacts of the protection alternatives.” (71 FR 54472)

This rationale offers a strong statement in support of collecting data about non-consumptive use values. However, the draft survey itself fails to embrace the justification given it, and instead reads as a subjective document designed to bias respondents into favoring the perceived economic costs of sea lion recovery over actual recovery options. As I indicate in my comments above, I find the survey instrument to be rife with language and phrasing and choices of contextuality that appear to indicate NMFS’s sympathy for (*at the very least*) exploring economic concerns over all other concerns, and (*at the very worst*) seeking a justification for reducing Steller sea lion protection in the face of mounting economic costs, or even the perception of such costs, associated with protection. The survey and its justification fail in many ways to provide information necessary to making the instrument a balanced, objective, and useful research tool for the purposes of adding valuable knowledge to the species protection process. For example:

- The survey is likely to play an important educational role among respondents who will likely never have been asked about or even considered before “the non-consumptive value people attribute” to marine mammal or endangered species protection. And yet nowhere in the survey do you introduce any information to

provide respondents with the context of ESA mandates or policy prescriptions. While you do provide a great many apparently biased (and often misleading) statements on the economics costs or conflicts associated with endangered species or Steller sea lion protection, you do not balance that information with contextual statements on, for example, the purpose and requirements of the ESA or the judicial history of ESA review that so strongly supports protection over economic considerations (e.g., the landmark case of *TVA v. Hill*, 437 US 153 [1978]). It is unclear why you do *not* include information that might provide respondents with a more realistic understanding of the ESA policy arena, especially when you *do* include information that is misleading and provides a false idea of the type of economic conflicts that are created by species protection under the law.

- In your justification for the survey, you prominently note “the non-consumptive value people attribute to...protection” and how “little is known about these values.” And yet, in the survey, you devote substantial time and space to exploring the potential economic costs of protecting Steller sea lions and next to none to exploring the many social, economic, psychological, and experiential benefits of Steller sea lion (and other species) protection. There is a voluminous literature on the benefits of species protection, as there is on the economic costs of species protection. NMFS staff who are involved in writing and implementing a survey such as this ought to be at least conversant if not expert in the literatures associated with the fields of study of the benefits and costs of endangered species protection. If they were – conversant or expert – they would recognize that (1) the survey is severely lacking in its attention to the benefits of endangered species protection and (2) most of the literature on economic conflicts with endangered species protection betrays the bias of your survey and repudiates the false assumptions it seems to promote about the economic costs of protection Steller sea lions.

NMFS should recognize that presenting a survey that is both lacking a balanced approach to the costs and benefits of species protection and apparently biased toward a view that species protection carries serious economic costs is at its core a biased instrument. The only explanation for the use of such a biased instrument would be to collect data for which the agency wants to control the outcome – that is, a biased survey designed to provide specific information desired by the agency under the guise of objectivity. I am not cynical enough to believe that NMFS is interested in such a transparently crass political goal as this, but I do hope that you will recognize that the survey as written will not help to promote a clear and effective decision making process for Steller sea lion protection. I would strongly recommend dropping the survey entirely due to its deeply flawed nature and lack of overall utility to Steller sea lion protection and the goals of the ESA.

Thank you for the opportunity to comment. Please don't hesitate to contact me if you have any questions.

Sincerely,

Richard L. Wallace, Ph.D.
Chair, Environmental Studies
Ursinus College
601 E. Main Street
Collegeville, PA 19426 USA
(610) 409-3730
(610) 409-3660 fax
rwallace@ursinus.edu

cc: Timothy Ragen, Ph.D.
Acting Executive Director
Marine Mammal Commission

Response to Comments
Submitted from Richard L. Wallace, Ph.D., Ursinus College
on October 16, 2006

Overview

Dr. Wallace's comments primarily fall into four general categories as discussed in this section. Detailed comments are discussed in the next section.

1. Use of economics in ESA program evaluation. One thread underlying the comments is a concern that economics should not be used in Endangered Species Act (ESA) program evaluation. For Steller sea lions, we are not suggesting that economics will or should be the deciding factor in program evaluation, but rather that economic costs and benefits (public preferences) are among many useful sources of information that can be used in the evaluation of alternative protection programs. In deciding between the available management actions to protect Steller sea lions, policy makers must balance the ESA and Marine Mammal Protection Act (MMPA) goals of protecting Steller sea lions from further declines with providing for sustainable and economically viable fisheries mandated under the Magnuson-Stevens Fishery Conservation Act (P.L. 94-265). Since Steller sea lion protection is often linked to fishery regulations, decision makers must comply with several federal laws and executive orders in addition to the ESA and MMPA, including Executive Order 12866 (58 FR 51735), which requires regulatory agencies to consider costs and benefits in deciding among alternative management actions, including changes to fishery management plans made to protect Steller sea lions. Thus, under this executive order, decision makers need to *consider* both the benefits and the costs associated with proposed actions, but are not required to base their decisions on these considerations. This survey is being conducted to provide information on the economic benefits associated with protecting Steller sea lions, which is currently unavailable. Also, in contrast to Dr. Wallace's comments, it should be noted that economic considerations are explicitly included in the ESA. As noted by Gardner Brown and Jason F. Shogren, under Section 4 of the ESA:¹

The Secretary of the Interior may "take into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat" for a threatened or endangered species, and can exclude an area from critical habitat designation if the benefits of exclusion outweigh the benefits to specifying the critical habitat, "unless failure to designate leads to extinction." (Brown and Shogren, 1998, 8)

2. Application of Economic Methods. Many of the comments are assertions that do not reflect the abundant economics literature and applications of survey-based non-market valuation methods. The surveys were developed (a) by published experts in the field following standard methods, (b) reviewed in detail by nationally recognized non-market valuation economic experts and by nationally recognized survey design experts who have worked with non-market valuation methods, and (c) with multiple focus groups, one-on-one interviews, and a formal pretest that were conducted to obtain and evaluate public input.

¹ Brown, G. and J.F. Shogren (1998). "Economics of the Endangered Species Act," *Journal of Economic Perspectives*, 12(3): 3-20.

3. Design biases. Many comments express concerns that the specific survey content and wording may bias the results toward lower values for alternative policies to protect Steller sea lions. Several general points are important in response to these concerns:
 - a. To limit factual error, the content of the surveys were reviewed by NOAA program scientists and managers for technical accuracy.
 - b. To eliminate presentation biases, the survey was reviewed by non-market valuation economic experts and survey research experts.
 - c. Many of the comments about bias concern inclusion of material on the social or financial costs of the ESA or of Steller sea lions protection, specifically impacts to commercial fishing income and jobs (Page 3 of comments: “I hope that NMFS would not want to bias respondents to favor economic concerns over species protection”). While ideally we seek to measure only the preferences and benefits of protection (not the benefits net of social impacts and costs, which may be evaluated separately), entirely omitting or underplaying these potential impacts and costs: (i) does not make these issues disappear for respondents who are concerned about them (in the design testing, respondents would bring it up if we did not mention it), (ii) can create a perception by respondents that the survey is not neutral in obtaining public preferences and thus is biased in the opposite direction, (iii) can cripple the investigators’ ability to detect differences in respondent attitudes about these impacts and to account for co-mingled benefits and costs in the estimation of benefits, and (iv) precludes the development of a realistic valuation scenario and mechanism for respondents to pay for additional protection. The selected content on social impacts and costs was included after careful attention to the matter in our review of the literature, and following input from focus groups and one-on-one interviews with members of the public.
 - d. An important design consideration in stated preference non-market valuation surveys is that the survey should be cautious to avoid inflated values and should even error toward understated values. Dr. Wallace’s suggestions to spend more time on ESA mandates and benefits, and omitting any consideration of impacts and costs would both be clearly upwardly biased, and would preclude economic measurement of public preferences. Simply asking for respondents to indicate support for or against a program without having realistic personal consequences, such as specified additional cost to the household, has little defensibility within this framework.
4. Use of the information collected generally. Several comments surround the issue of how information from the survey will be used. Specifically, Dr. Wallace raised concerns about how information that appears to indicate a lack of concern or support for Steller sea lions or similar sentiments will influence policy decisions. As suggested by the discussion in Overview item #1 above, the information collected in the survey will be made available to decision makers as an additional source of information that may possibly be used in the evaluation of alternative protection programs. However, it is important to note that the reporting of the survey results will provide any necessary caveats concerning the nature and intent of asking the questions. In many cases, the questions that Dr. Wallace expressed concern about are asked as cognitive prompts that aid respondents to process and review the material they have been presented. These are critical for ensuring respondents read and

understand the content of the survey. Many of these questions also act as internal consistency checks to ensure that a respondent's responses to the valuation questions are consistent with the attitudes and preferences they indicate in these questions. At the same time, it is important to acknowledge that the nature of the actual responses (e.g., whether the results indicate the public supports or does not support additional protection efforts) does not affect the validity of the results. In our view, it is our responsibility to develop a valid survey instrument for the purpose of estimating public preferences and values associated with Steller sea lion protection, implement it in a way that is consistent with state-of-the-art methods in a scientifically-defensible manner, and convey the results in a way that makes transparent any assumptions and issues that would affect the interpretation of the results. Then, it is up to the decision makers to decide whether or not and how to use the results, if at all, within the confines of applicable laws and regulations.

Detailed Discussion

Below, we identify the location of specific comments in Dr. Wallace's letter (denoted by italics below) and briefly state the core of the comment and our response.²

1. *Page 1, paragraph 3, bullet 1.* Dr. Wallace disputes the use of the term "costs" on survey page 2, line 5. Replacing the word "cost" with "impacts" (as has been done in subsequent edits) resolves the item. The comment that the original wording is "likely to bias the results" is unsupported.
2. *Page 2, bullet 1.* This comment is about identifying a potential trade-off between species protection and jobs in Q3 of the survey, which he suggests "is not well established" and that the issue "must not be a concern of NMFS when the agency makes decisions about actions under the ESA." Irregardless of whether such a conflict exists or not (it is documented for Steller sea lions) or is a factor in ESA decisions, understanding a respondent's views on this are beneficial in the non-market valuation (see the response under overview item #3c and item #4). Respondents are asked this question for a couple reasons. First, it provides a neutral perspective by acknowledging the issues many in the public raise themselves and lets respondents express views on the issue early in the survey. And second, it is one of several items used to help identify "protest" respondents who may mix protection concerns and concerns about impacts and costs.
3. *Page 2, bullet 2.* This comment concerns the summary chart of seals and sea lions on survey page 3. Dr. Wallace suggests the population numbers do not communicate the trend and status of these populations. In fact, the chart and subsequent page do provide information on both population trends and the threatened and endangered status for these species. This presentation has well-grounded non-market valuation design objectives. The first is to put the Steller sea lion population in perspective – it is not the only seal or sea lion, and it is not the only one listed as threatened or endangered. Whether one agrees or not, for some members of the public this is important information in forming their preferences about additional Steller sea lion protection and without this information the survey would be

² The numbering of comments is ours to facilitate review.

compromised as potentially overstating the importance of Steller sea lions. Second, the presentation is also clear that Steller sea lions are the only seal or seal lion species presently being actively evaluated for new protection actions, which lays the basis for why respondents are asked to focus on this species.

4. *Page 3, bullet 1.* This comment regards the second bullet after Q4 on survey page 4 and repeats Dr. Wallace's concerns with the potential that the public may be concerned about jobs as well as threatened and endangered species. Omitting this information does not make it go away in the minds of respondents who are concerned with this issue (they bring it to the survey on their own). This information is important as it develops the real-life link between fish stocks and Steller sea lion stocks, and thus why actions to regulate fishing have occurred. It also contributes to a realistic non-market valuation scenario of additional fishing restrictions for additional protection, with additional costs paid by respondents.
5. *Page 3, bullet 2.* This comment concerns Q7 in the survey that asks about the respondent's level of concern for each Steller sea lion stock. Dr. Wallace states he does not know the use of this question (given his view of statutory mandates), and expresses concern that respondents may say they are "not at all concerned" about the Steller sea lion stocks.³ This question is used to support the respondent's cognitive process of reviewing and evaluating the survey material provided. It also provides a consistency check on subsequent valuation responses (i.e., Are the valuation responses consistent with other attitudes in the survey?). Thus, this question falls under the category of questions discussed in overview item #4 above.
6. *Page 3, bullet 3.* This comment is about Q8 in the survey, which asks for the respondent's level of concern about the impact on fishing. As in item 5 above, Dr. Wallace expresses concern about the potential for undesirable results (Page 3 of comments: "...what will you make of the data if the responses come back overwhelmingly concerned with the loss of jobs due to Steller sea lion protection?"). The same responses apply here as in overview item #4 and detailed items #3, #4, and #5 above. That is, the survey is being neutral, it is setting up a realistic valuation scenario, and NMFS is not seeking or expecting any specific type of response from respondents beyond valid ones. The responses, whatever they may be, are pieces of information that may be useful for decision makers to have available when evaluating alternative protection actions.
7. *Page 3, bullet 4.* This comment concerns statements on page 8 of the survey. Dr. Wallace expresses concern with the economic non-market valuation scenario developed because "the survey is unmistakably preoccupied with economic concerns and the economic and (ostensibly) other costs of protecting Steller sea lions". This appears to repeat the general concern discussed above in this response (overview item #1), and thus the same responses apply. He further states the survey "fails to address in even the mildest possible fashion the *benefits* of protecting Steller sea lions," without acknowledging the discussion of benefits on the top of page 2 in the survey, and that generally respondents bring to the survey a strong sense of concern for ecologic protection.

³ As an aside, the pretest and interviews suggest that a substantial majority of the public's responses do not support Dr. Wallace's concerns expressed about Q7, or later for Q8, Q9, or Q10.

8. *Page 3, bullet 5.* This comment repeats concerns about the purpose and use of the results for Q9 in the survey, which asks whether respondents believe more should be done to protect the Eastern and Western stocks (Page 3 of comments: “what will you make of the data if the responses come back overwhelmingly against spending more money to protect the western stock of Steller sea lions?”). This question and Dr. Wallace’s concern about it are addressed by overview item #4 above.
9. *Page 4, bullet 1.* This comment repeats concerns about the purpose and use of Q10 of the survey that deals with protection of the Western stock in some versus all habitat areas. Based on pretest results suggesting limited relative importance of this characteristic vis-à-vis other protection program characteristics, this aspect (and Q10) of the survey has been removed.
10. *Page 4, bullet 2.* This comment expresses concern that the stated choice (conjoint) questions are too complex. It should be noted that the questions have been significantly simplified by the elimination of the Western stock area attribute (row 3 under the Western stock in the choice questions).⁴ That said, the stated choice questions are certainly non-trivial, which is why the scenarios are carefully developed on earlier pages, and the choice questions are specifically explained on page 9. The stated choice methods are accepted and frequently applied in market research, transportation choice, non-market valuation, and other applications. The specific stated choice questions in this survey (including multiple variations) are now generally less complex than in typical applications, and have been thoroughly tested in the design process.
11. *Page 4, bullets 3 and 4.* Dr. Wallace takes issue with several aspects of Q15 in the survey. He dislikes the phrase “some people” used in Q15. However, this wording was specifically recommended to us by a survey design expert and acknowledges that different people have different opinions, and has been successfully tested and used in this and other surveys. Dr. Wallace then expresses a dislike for the response categories to the question. The categories reflect traditional items included in stated preference follow-up evaluation, which are often required by OMB in the survey approval process and are needed to evaluate valuation responses⁵. The specific question items help identify the potential for rejecting the valuation scenario (1st, 4th, and 5th items, used in conjunction with other survey data), poorly formed responses (2nd item, used in conjunction with other survey data and response variance analysis), and part-whole embedding bias (3rd item).
12. *Page 5, middle to the end.* The remainder of the comments expresses concern that the survey may not be sufficiently extensive to fully educate the public about the ESA and may bias values downward.

⁴ This attribute was removed in favor of applying study resources to the more important question of varying future baselines with the current program actions (decreasing, stable, increasing population levels). The future baseline is varied across respondents, not within a survey for the individual respondent, thus adding richness to the overall investigation without adding complication to the respondents.

⁵ For the formal pretest conducted for this study, OMB specifically suggested these types of items be included in the survey.

- a. Dr. Wallace indicates “nowhere in the survey do you introduce any information to provide respondents with the context of ESA mandates or policy prescriptions” (pages 5-6 of comments). On the contrary, page 1 of the survey provides information about the ESA mandate that “requires the federal government to take reasonable actions to protect threatened and endangered species...” Going into more detail was specifically addressed in focus group discussions and was ruled out as it overburdened respondents without purpose.
- b. He repeats concerns about the attention in the survey to the impacts and economic costs associated with Steller sea lion protection. As noted above, this material is necessary because we learned in focus groups and in one-on-one interviews that the public will introduce it (explicitly or implicitly) in their responses with or without the researcher raising the topics. It is better for the researcher to understand the respondent’s views as part of the process of evaluating the valuation responses. Also, as noted above, this information is part of the non-market scenario development required for valuation.

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Ms. Diana Hynck
Departmental Paperwork Clearance Officer
Department of Commerce
Room 6625
14th and Constitution Ave. NW
Washington, D.C. 20230

15 October 2006

Re: Request for Comments on Economic Survey of Steller Sea Lion Protection [71 FR 54472]

Dear Ms. Hynck,

On behalf of the more than nine million members and constituents of The Humane Society of the United States (The HSUS), I am writing to outline our concerns and express our opposition to the language in and use of the above-cited survey. While we believe that it is important to solicit the value that the public places on the conservation of Steller sea lions, this survey will not achieve that goal. This particular survey is misleading, biased, and an unnecessary and ineffectual use of agency funds and resources.

The Department seeks comments on whether the proposed collection of information is necessary for the proper performance of the functions of the agency; the accuracy of the agency's estimate of the burden (including hours and cost) of collecting the information; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of collecting the information on respondents. We will not comment on the latter, as we believe that our comments cast doubt on the need to conduct the survey.

The Stated Goals of the Survey Are Inconsistent with the Language of the Questions Posed in the Survey

The purpose of this survey has changed since its inception. The initial notice announcing its availability for comment¹ states that the survey is being undertaken because "it is important to understand the public's attitudes toward the variety of potential impacts on Steller sea lions, Alaskan fisheries, fishing communities and the nation."²

¹ 71 FR 47177 (August 16, 2006).

² Id. at 47179.

The National Marine Fisheries Service (NMFS) justified the need for the survey because it is "crucial to ensure efficient management of Alaskan fisheries and protection of Steller sea lions."³ Midway through the comment period, NMFS changed the stated purpose of the information collection and issued a correction stating that the survey is now intended to ascertain "active use values associated with being able to view Steller sea lions and passive use values unrelated to direct human use."⁴ This new purpose for the survey is alleged to help "decision makers to more fully understand the trade-offs involved in choosing among protection alternatives to complement other information available about the costs, benefits and impacts of the protection alternatives."⁵

The purpose of the survey has changed from evaluating relative impacts of protection on Steller sea lions and fisheries for the purpose of managing fisheries, to a simple interest in assessing the public's "values" relative to viewing Steller sea lions and supporting conservation for the purpose of helping decision makers understand "trade-offs." Although the stated goals of the survey have changed, the structure of the questions in the survey has not changed. As will be discussed more fully below, the construction of the survey remains biased toward accomplishing the original stated objective (comparing impacts on sea lions versus fisheries), not the newly revised objective. It appears that the purpose is not static, but is still evolving, which casts doubt on the value of undertaking a survey with contradictory goals.

The Mandate to Recover Endangered Species is Independent of Cost

Regardless of the results of the "public opinion poll," the Department has a statutory responsibility to protect the species even if it causes economic impacts to fisheries and fishing communities in Alaska. Steller sea lions, which are divided into two stocks, are listed under the Endangered Species Act (ESA). The eastern stock is listed as threatened under the ESA and is considered stable in most parts of its range. The western stock is listed as endangered, and it has declined dramatically in the past three decades, with only small increases in some parts of its range over the past three years. Critical habitat has been designated throughout Alaska in an attempt to mitigate impacts from commercial fisheries operating near crucial rookeries and haul outs.⁶

The ESA mandates that the needs of listed species, and the protection of critical habitat, must take precedent over other factors normally considered by agencies when adopting regulations.⁷ While economic costs and benefits of regulations must be addressed through the NEPA process, these and other similar considerations must give way so that Steller sea lions may receive the necessary protections to recovery to "halt and reverse the trend toward species extinction, whatever the cost."⁸ Indeed economic considerations must not influence NMFS's decision as to the level of protection established, although they may

³ *Id.*

⁴ 71 FR 54472 (September 15, 2006).

⁵ *Id.*

⁶ 50 CFR 226.202

⁷ See *TVA v. Hill*, 437 U.S. 153, 174 (1978) (concluding that it is "beyond doubt that Congress intended endangered species to be afforded the highest priorities.").

rightly consider them if two courses of action would provide appropriate and equivalent protection. Public opinion cannot determine whether the agency meets its statutory obligations under the ESA to recover listed species.

Inaccurate Cost Estimate

According to the August 16th Notice, there is no cost to the public for conducting this survey. This is misleading as the public will definitely be affected by the use of appropriated agency funds and resources. The NMFS staff revealed that this survey was designed by one consultant and reviewed by other consultants. This effort clearly has already required the expenditure of resources, and any revision based on public comment will require additional expenditures. NMFS staff also revealed that several focus groups have also been held, which must have required out-of-pocket expenses. Further, if the survey is conducted "through a mail survey" and "telephone interviews" (ibid), the government will incur phone and mail charges in administering the survey. Staff time is required to process answers.

The "Annual Burden Hours" for this project are estimated at 1,400. While the staff involved in this effort may already be NMFS employees, their time would be spent on this survey to the exclusion of other efforts that may be of greater use. Furthermore, the NMFS has recently used budget constraints as the rationale for canceling or postponing important meetings that have significant implications on evaluating impacts to Steller sea lions (e.g., the Serious Injury Workshop originally scheduled for November 13-14, 2006). The conduct of this survey, which is of doubtful utility in aiding the Agency in meeting its statutory obligation to protect the species, is using time and fiscal resources that might better be spent on measures that can help understand and mitigate the various contributors to the recent declines.

Comments on the Quality, Utility and Clarity of the Information to be Collected

The questions in the survey and the construct of the survey itself do not appear to meet the objectives defined in the notice. In fact, the survey seems designed to assess the public's attitudes toward paying to protect sea lions rather than the newly stated purpose of evaluating "active use values associated with being able to view Steller sea lions and passive use values unrelated to direct human use."⁹ The questions go into some depth about how much the public is willing to pay for various degrees of recovery or time delay in recovery. This does not seem to be the same as inquiring about their "values" related to protection of the endangered portion of the stock, versus the threatened portion. Furthermore, the information provided as background paints a limited picture of the legal mandates for protection; but, more alarmingly, portrays a limited and biased picture of the stocks' status and their decline.

The introduction to the survey states that the ESA requires the government to take "reasonable actions" to protect listed species. There is no information provided on the ESA's mandate to recover species or on the Marine Mammal Protection Act's mandate

⁹ 71 FR 54472.

that "takes" not impede recovery time by more than ten percent. [see for example 16 U.S.C. 1362 §3 (20) and GAMMS Guidelines]

Background information on the Steller sea lions is practically nonexistent but weighted heavily to portray the Steller sea lions as an economic nuisance. Page five gives "some facts" about Steller sea lions, which will serve to significantly bias respondents and thus responses. The four facts may be summarized as: they are large, they eat the same fish we eat, they don't go far from where they were born, and their numbers don't "greatly" affect other species. There are no facts that are likely to endear these animals to the public such as maternal care and defense. The only facts that might influence opinion deals with what they eat. One of the facts tells the public that a single adult sea lions will eat 10 tons of fish each year that "fishermen catch for people to eat." The implication that can be drawn from this is that they may somehow interfere with the amount of fish available for fishermen to catch, rather than the reality that fishermen are catching so many fish that this may imperil the species' future. Although this relationship between the decline and fishery competition is clarified three pages later (after respondents have been shown a chart that indicates that the population is stable), this early and misleading statement inserts a bias in the likely answers to the questions that follow.

The chart on page 9 indicates that if we do nothing, the population trajectory will not be harmed. This stability, which may seem reasonable to a naïve public, does not reflect the BSA's mandate to recover species, nor does it indicate that in some parts of their range, western Steller sea lions are still declining. The public also has little understanding of complex issues such as threshold populations that are necessary to maintain a species in perpetuity. In fact, science knows little about this until it is too late; but a chart showing a stable population over a long term is likely to provide a naïve assurance and provoke little "concern." This misleading information misrepresents the current situation and will inappropriately reduce respondents' concern about the viability of the species. In turn, it will be all too easy to misinterpret the findings as a lack of public concern.

Following this chart that omits the spotty picture of recovery and paints a picture of stability in the Western stock, respondents are then informed that fisheries have been restricted because of the Steller sea lions, thus making it more costly to fish. They are then asked if this is of concern to them. Nowhere are respondents told that commercial fisheries are also being investigated as contributing to declines in a large suite of species in Alaska (e.g. Gulf of Alaska harbor seals, Aleutian sea otters, fur seals). The construct of the question, given the information leading up to it, seems designed to elicit responses that will express sympathy for the cost to fisheries over the damaging effect to the species (which respondents are informed is stable).

Page 9 states that doing more to protect Steller sea lions will cost the individual respondent more money. The statement even emphasizes with underlining that this will mean "higher prices for fish" and "increases in taxes." It is not clear to us why it is necessary to provide extra emphasis on this, when there is no similar emphasis in any part of the questionnaire as to what can happen to the species without restrictions (i.e. telling

them that without additional restrictions, declines may continue in some parts of their range).

The purpose of the survey was revised to help "decision makers to more fully understand the trade-offs involved in choosing among protection alternatives."¹⁰ Decision makers frequently employ trade-offs in the recovery actions targeted to threatened stocks versus endangered stocks. It is common practice to sacrifice some protections for threatened stocks to provide greater protection for endangered stocks. Yet this survey does not allow the respondent to separate the cost of the unspecified recovery efforts for Eastern Steller sea lions (which they are told are increasing) against the cost for recovery efforts focused on the endangered Western stock. In the survey questions starting on page 11, both populations are lumped together with a cost provided for actions affecting both. The results, then, will not provide useful information to decision makers and defeats the very goals of the survey.

Furthermore, respondents are not provided with information on the doubt surrounding our knowledge of the impact of fishery restrictions on the trajectory of the declines in various parts of the range. This inappropriately assures them that measures are successful when the recovery plan for the species acknowledges this remains unknown.

Question 16 on page 14 asks respondents to estimate how accurately they think their answers reflect their feelings. This is nonsensical. Their responses have been shaped by a bias toward perceiving that Steller sea lion populations are stable or increasing and it will cost the public and fishermen money to protect them. Although the answer to question 16 might yield a professed certainty, that response would likely not be the case if they were presented with additional, unbiased information. This pseudo-certainty may not be helpful to interpreting the results of the survey and transmitting an imperative to managers.

Conclusion

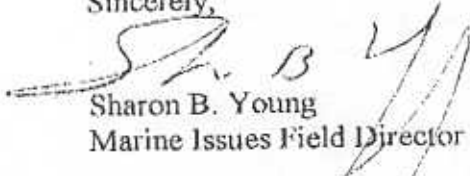
This survey is inappropriate and biased, and will thus yield unreliable data. It has associated costs that were not revealed in NMFS's zero cost estimate. The agency has substantially deviated from the original notice of availability, releasing a correction after half of the public comment period had elapsed. The background information provided to respondents is limited and biased (providing an inappropriately limited picture of recovery and success of management measures). Questions in the survey are constructed primarily to inquire about the cost the public is willing to pay for various delays in recovering both stocks of the species which they are told are stable or increasing. Because the survey devotes considerable space to asking how much cost respondents are willing to assume but pays little attention to assessing the value of recovering the species, it seems apparent that the questions in the survey are not appropriately constructed to address the survey's newly stated purpose. Thus, their utility and clarity are questionable at best.

¹⁰ *Id.*

Conducting this survey as written will not be useful in informing decision makers of the "trade-offs" in recovery efforts. On the contrary, it will elicit incomplete and ineffectual responses from respondents who are not fully informed of the facts.

Please feel free to contact me if you have questions regarding our comments.

Sincerely,



Sharon B. Young
Marine Issues Field Director

cc. Tim Regan, MMC

Response to Comments
Submitted from the Humane Society of the United States
on October 16, 2006

Overview

The comments received from the Humane Society of the U.S. (HSUS) fall into four main categories as delineated in the original comments and as discussed below.

1. The Stated Goals of the Survey are Inconsistent with the Language of the Questions Posed in the Survey. The HSUS' claim that the goals of the survey has changed is incorrect. The goals of the survey have always been the same—to collect stated preference economic information about respondents' preferences and values related to outcomes of protection actions on Steller sea lions. This information would then be made available to decision makers as an additional source of information that may possibly be used in the evaluation of alternative protection programs to supplement other information already available; although whether or not the information is used, or is a factor in any decisions made, is solely up to the decision makers. The original Federal Register (FR) notice (71 FR 47177) was not clear on these points and was misconstrued by several readers to imply different goals. As a result, the FR correction (71 FR 54472) was developed to clarify this point.

2. The Mandate to Recover Endangered Species is Independent of Cost. The HSUS expresses concern that the results of the survey should not affect the mandates to protect Steller sea lions. It should be made clear that the results are *not* intended to determine whether or not to protect Steller sea lions at all. In fact, the information collected in the survey is intended to supplement other information on the costs and impacts of the variety of protection alternatives to help decision makers better evaluate the available options *for protecting* Steller sea lions. Furthermore, we are not suggesting that economic considerations will or should be the deciding factor in any Steller sea lion protection program evaluation, but rather that economic costs and benefits (public preferences) are among many useful sources of information that can be used in the evaluation of alternative protection programs. In deciding between the available management actions to protect Steller sea lions, policy makers must balance the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) goals of protecting Steller sea lions from further declines with providing for sustainable and economically viable fisheries mandated under the Magnuson-Stevens Fishery Conservation Act (P.L. 94-265). Since Steller sea lion protection is often linked to fishery regulations, decision makers must comply with several federal laws and executive orders in addition to the ESA and MMPA, including Executive Order 12866 (58 FR 51735), which requires regulatory agencies to consider costs and benefits in deciding among alternative management actions, including changes to fishery management plans made to protect Steller sea lions. Thus, under this executive order, decision makers need to *consider* both the benefits and the costs associated with proposed actions, but are not required to base their decisions on these considerations. This survey then is being conducted to provide information on the economic benefits associated with protecting Steller sea lions, which is currently unavailable.

3. Inaccurate cost estimate. The HSUS objects to the reporting of \$0 as the annual total cost burden to the public in the FR notice. However, this is the correct cost burden to report in the context of the FR notice. The notice was published as part of the Paperwork Reduction Act (PL 104-13) process, which requires we notify the public of the cost burden on *respondents* to the survey. Thus, the reported cost estimate does not refer to the costs of conducting the study, which HSUS correctly points out are not \$0, but rather to the monetary cost completing the survey would have on respondents to the survey. Given the survey would be mailed with a self-addressed and stamped return envelope, there are no out-of-pocket costs to the respondent. For more details of this reporting requirement, please see the OMB Paperwork Reduction Act website: <http://www.whitehouse.gov/omb/inforeg/infocoll.html#PRA>.
4. Comments on the Quality, Utility, and Clarity of the Information to be Collected. Many of the comments under this heading are assertions that do not reflect the abundant economics literature and applications of survey-based non-market valuation methods. The surveys were developed (a) by published experts in the field following standard methods, (b) reviewed in detail by nationally recognized non-market valuation economic experts and by nationally recognized survey design experts who have worked with non-market valuation methods, and (c) with multiple focus groups, one-on-one interviews, and a formal pretest that were conducted to obtain and evaluate public input.

Some comments express concerns that the specific survey content and wording may bias the results toward lower values for alternative policies to protect Steller sea lions due to an emphasis on economic considerations. Several general points are important in response to these design bias concerns:

- a. To limit factual error, the content of the surveys were reviewed by NOAA program scientists and managers for technical accuracy.
- b. To eliminate presentation biases, the survey was reviewed by non-market valuation economic experts and survey research experts.
- c. Some of the comments about bias concern inclusion of material on the social or financial costs of the ESA or of Steller sea lions protection. While ideally we seek to measure only the preferences and benefits of protection (not the benefits net of social impacts and costs, which may be evaluated separately), entirely omitting or underplaying these potential impacts and costs: (i) does not make these issues disappear for respondents who are concerned about them (in the design testing, respondents would bring it up if we did not mention it), (ii) can create a perception by respondents that the survey is not neutral in obtaining public preferences and thus is biased in the opposite direction, (iii) can cripple the investigators' ability to detect differences in respondent attitudes about these impacts and to account for co-mingled benefits and costs in the estimation of benefits, and (iv) precludes the development of a realistic valuation scenario and mechanism for respondents to pay for additional protection. The selected content on social impacts and costs was included after careful attention to the matter in our review of the literature, and following input from focus groups and one-on-one interviews with members of the public.

- d. An important design consideration in stated preference non-market valuation surveys is that the survey should be cautious to avoid inflated values and should even error toward understated values. HSUS' suggestions to spend more time on ESA mandates and benefits, include "facts that are likely to endear these animals to the public such as maternal care and defense" (page 4 of comments), and omitting any consideration of impacts and costs would both be clearly upwardly biased, and would preclude economic measurement of public preferences. Simply asking for respondents to indicate support for or against a program without having realistic personal consequences, such as specified additional cost to the household, has little defensibility within this framework.

Below, we consider specific comments not covered by the above general response to design bias concerns. We identify the location of specific comments made by HSUS (denoted by italics below) and briefly state the core of the comment and our response.

- a. *Page 3, second to last paragraph.* HSUS states the survey "seems designed to assess the public's attitudes toward paying to protect sea lions rather than the newly stated purpose of evaluating 'active use values associated with being able to view Steller sea lions and passive use values unrelated to direct human use.'" This concern may have arisen due to unfamiliarity with how information from questions in non-market valuation surveys generally, and this survey specifically, are used to estimate total economic values that embody viewing benefits and nonuse benefits. Responses to the stated choice questions (Q11, Q13, and Q14) provide information about each respondent's preferences with respect to different goals of Steller sea lion protection, such as increasing the Western stock population size versus increasing the Eastern stock population size. These responses are analyzed using econometric models that describe the choices that are observed and result in a valuation function that reflects the public's preferences and can be used to estimate economic values, such as those described above, and to evaluate trade-offs between competing protection objectives (e.g., preferences for increasing Western stock abundance versus increasing Eastern stock abundance).
- b. *Page 3, bottom.* The HSUS appears concerned that no mention was made about the Marine Mammal Protection Act (MMPA) and its mandates or additional details about the ESA. The design bias concerns response (d) above addresses this issue. Also, going into more detail about these laws was specifically addressed in focus group discussions and was ruled out as it overburdened respondents without purpose.
- c. *Page 4, first full paragraph.* The HSUS expresses concern that the facts provided about Steller sea lions will bias respondents by only providing facts that "portray Steller sea lions as an economic nuisance". The design bias concern response (d) above addresses this issue.
- d. *Page 4, second full paragraph.* HSUS is concerned that in the survey version they reviewed, the projected population trajectory for the Western stock is stable, which may be misleading as it "misrepresents the current situation and will inappropriately reduce respondents' concern about the viability of the species. In

turn, it will be all too easy to misinterpret the findings as a lack of public concern.” We agree that this is but one possible realization of the future abundance of the Western stock. However, as noted in the e-mail accompanying the draft survey, there are several other survey versions that differ in the trajectories that are presented from the one discussed by HSUS. One presents a declining population trend, and the other an increasing population trend. Individuals in the sample will receive one of these three survey versions. By accounting for the uncertainty associated with future abundance estimates of the Western stock in different survey versions, we can explicitly account for this uncertainty in the model framework, thus adding richness to the overall investigation without adding complication to the respondents.

- e. *Page 4, third full paragraph.* The HSUS expresses concern that information on page 7 of the survey is “designed to elicit responses that will express sympathy for the cost to fisheries over the damaging effects to the species.” The design bias concern response (c) above addresses this issue.
- f. *Page 4, last paragraph.* This comment is about objections to underlining of “higher prices for fish and fish products you buy” and “increases in your federal taxes” on page 9 of the survey. As implied by responses (c) and (d) of the design bias concerns response, a key component of stated preference survey design is developing a realistic valuation scenario and mechanism for respondents to pay for additional protection. The underlining is used to ensure respondents pay attention to the means through which new protection actions would have personal consequences on them, which was found beneficial to respondents in focus groups.
- g. *Page 5, first full paragraph.* The HSUS’ concern that the stated preference questions in the survey do “not allow the respondent to separate the cost of the unspecified recovery efforts for Eastern Steller sea lions (which they are told are increasing) against the cost for recovery efforts focused on the endangered Western stock” is again based on unfamiliarity with how responses to these questions are analyzed. Response (a) in this section addresses this issue.
- h. *Page 5, second full paragraph.* HSUS mentions that the presented future trajectories for the abundances of the two stocks are uncertain. As noted in response (d) in this section above, this uncertainty is handled through different survey versions that portray differing assumptions about future stock abundance. This allows uncertainty to be explicitly incorporated in the model framework.
- i. *Page 5, above the Conclusion.* HSUS questions the utility and function of Q16, which asks respondents for their confidence in answering the stated preference questions, calling the question “nonsensical”. In fact, Q16 has a very specific and important function. Combined with other answers in the survey, we will use answers to this question to evaluate the impact of uncertainty on valuation results, such as the mean and variance of estimated values. Results can also be reported with and without respondents who self-report that they are “not at all confident” in their answers.

MARINE MAMMAL COMMISSION
4340 EAST-WEST HIGHWAY, ROOM 905
BETHESDA, MD 20814

30 October 2006

Ms. Diana Hynek
Departmental Paperwork Clearance Officer
Department of Commerce
14th and Constitution Avenue, NW
Room 6625
Washington, DC 20230

Dear Ms. Hynek:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the National Marine Fisheries Service's proposed survey for measuring the preferences of U.S. residents regarding programs for the conservation and recovery of the Steller sea lion as described in the Service's 16 August 2006 *Federal Register* notice. The Commission appreciates the importance of generating useful information for decision-makers but has several concerns about the design of the proposed survey. We provide the following general and specific comments that we hope will be helpful.

GENERAL COMMENTS

First and foremost, we question whether the data generated by the survey will be useful. Because participants in the survey are being selected randomly, many, if not most, will be unfamiliar with the mandates of the Endangered Species Act and the specifics of the situation involving Steller sea lions. Thus, the survey results will likely reflect the first impressions of relatively uninformed citizens based on limited, and sometimes misleading, information involving fairly complicated issues.

We also question the utility of seeking public opinion, not on the general mandates and goals of a broadly applicable statute such as the Endangered Species Act, but on whether or how that Act should be implemented on a species-specific basis. Should the Service, for example, base its decisions on what is needed to achieve the recovery goals of the Act and its allocation of endangered species recovery funds on the popularity of the various species?

In some respects, the survey is designed to be a referendum on the mandates of the Endangered Species Act and the priorities placed on achieving its goals. In others, the questions are designed more to elicit what the average citizen is willing to spend (or forego) in furtherance of conserving Steller sea lions. By intermingling these objectives, the survey does not do a very good job of achieving either. If, in fact, the survey is intended to provide public opinion on the general directives of the Act, additional information on its provisions and rationale need to be provided. In addition, such questions should be couched in terms of protecting endangered species and ecosystems generally and should not be raised in the context of a single species. If, on the other hand, the survey is intended to apply only to Steller sea lions, it should begin by setting forth the

mandates of the Act, and the questions should be geared toward eliciting views on the best ways to achieve those goals.

In the Commission's view, the survey seems inconsistent with the broad and farsighted findings and purposes of the Endangered Species Act. The survey presents inaccurate and insufficient information; seems inappropriately to lead respondents to particular conclusions; misrepresents the complexity of the issues involving Steller sea lion status and conservation; appears to assume that the only values of consequence are short-term economic ones; proposes actions that appear inconsistent with or contrary to the provisions of the Endangered Species Act and the Marine Mammal Protection Act; and promotes a utilitarian perspective rather than a rigorous science-based search for solutions to difficult conservation problems. The superficiality and inaccuracy of the survey design seem likely to produce responses that could detrimentally affect the conservation and management of fisheries and marine ecosystems. More significantly, the survey seems to challenge the fundamental premises of major federal statutes, including the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, the Marine Mammal Protection Act, and the National Environmental Policy Act.

We also question the scale of the suggested economic consequences in several of the questions and the level of detail in how those impacts might affect particular households. Also, the survey does not indicate what is being spent on Steller sea lion conservation under the current program. This would be useful background information for assessing the various alternatives.

Over the past several years, funding for the National Marine Fisheries Service's Steller sea lion program has varied considerably, from about \$3 million in 1998 to more than \$40 million in 2001. Similarly, expenditures that the Coast Guard attributes to enforcement related to Steller sea lions have varied considerably from year to year, reaching a high of just under \$40 million in 2003. Total federal and state expenditures on Steller sea lion programs peaked in 2002 at about \$56 million. Current census figures indicate that there are about 109 million households in the United States. As such, the maximum amount spent in any year on Steller sea lion conservation has been on the order of 50 cents per household. Against this background, it seems incongruous to be asking survey participants whether they would be willing to spend an additional 10, 40, or 80 dollars per year on sea lion recovery. Is the Service truly suggesting that optimal Steller sea lion recovery programs will cost \$8.7 billion per year over the next 20 years? If so, additional justification for the amounts suggested and the predicted outcomes is needed. Presumably, you would elicit a very different response if you asked participants whether they would be willing to spend an additional 50 cents a year on Steller sea lion conservation. This amount would about double the maximum amount of federal and state expenditures in any one year over the past decade.

The questions related to costs seem to assume that potential increases in the cost of fish will be shared equally among consumers. It should be recognized that these costs would vary regionally and among households. In fact, much of the fish caught in the area inhabited by the western stock of Steller sea lions is marketed overseas. As such, it might be more appropriate to ask if the participant cares whether a Japanese consumer has to pay more for fish from the United States if

any such cost has only a small impact on the income of U.S. fishermen and contributes to the conservation of endangered and threatened species.

SPECIFIC COMMENTS

Question 1 appears to be a referendum on the Endangered Species Act. As noted above, if this is one purpose of the survey, the background information provided is insufficient to generate informed opinions. Further, although it is reasonable to assume that respondents will have various opinions regarding the merits of the Act, it is not clear to us why the National Marine Fisheries Service would be seeking such information as a basis for determining whether it should carry out its responsibilities under the Act.

Question 2 suggests that agencies responsible for implementing the Endangered Species Act should determine the rigor with which they do so based on other considerations, such as the state of highways and roads, etc. The implication appears to be that laws should be rigorously implemented only if the issues they address are rated as high priority or—conversely—those deemed of lesser priority do not warrant implementation. Also, if this question is retained, it could be made more useful by asking related questions as to what the participants think the United States is currently doing to protect endangered and threatened species. It is of little value that someone thinks we should be doing more, less, or the same if they do not know what we are doing now.

Question 3 suggests that whether or not our conservation laws are implemented by the responsible agencies is simply a matter of the effects on jobs—and that protection of threatened and endangered species is always a trade-off resulting in a reduction of jobs. This seems a great oversimplification that may be true in some cases but certainly not true in all cases.

Question 4 is preceded by information including estimates of sea and sea lion abundance, but the information is incorrect and highlights seal species with large abundances, perhaps giving a false impression regarding overall status of seals and sea lions. The information is incorrect with regard to the trend in Hawaiian monk seals and the combined abundance of other seals. Further, the Steller sea lion is not the only seal or sea lion for which new protection efforts are being considered. As the Service should be fully aware, new protection measures are being considered for the Hawaiian monk seal (which, contrary to the information in the survey, is continuing to decline).

Question 7, and the information preceding it, give one possible future scenario for Steller sea lions, but there are others that may be equally likely. Scientists have documented, but cannot explain, an 80 percent decline in the western stock of Steller sea lions over the past three or four decades. To suggest that they have a reliable basis for projecting the trend in sea lions over the next 35 years presents a misleading representation of our understanding of sea lion status.

In the information preceding question 8, the second bullet suggests that fishing is not considered a major problem in the area where the eastern stock occurs. Is it that fishing occurs in a manner similar to that in the Gulf of Alaska and Bering Sea and doesn't have effects, or is commercial fishing in the southeast not comparable to that in the areas occupied by the western

stock? These alternative explanations could result in misinterpretation and misunderstanding by persons taking the survey.

Question 8 states that fishing restrictions to help conserve Steller sea lions have made fishing more costly. Again, this is not always the case. When measures were imposed on the Bering Sea pollock fishery to spread fishing effort over time and space, some of the large factory trawlers formed a cooperative that (1) established a joint strategy for dividing their catch allocation, (2) ended the race for fish (thereby making fishing safer), (3) distributed their fishing effort over time on a more rational basis (allowing fishing to occur when the target fish stocks were in the best condition), and (4) experienced a year of fishing that was profitable well beyond their expectations. So it is not always true that fishing costs more because of Steller sea lion measures. Also, as indicated above, those costs may not be borne by all consumers equally or, for that matter, even by U.S. consumers. This should be explained.

Question 8 presents costs only for conservation measures and therefore seems entirely one-sided in its perspective. Those purported costs are oversimplified, not necessarily true, and should be backed up by analysis and verification. To be well balanced, the question might also have included benefits of conservation measures, such as the likelihood of a more stable, functioning ecosystem, opportunities for tourism, and a decreased probability of further decline or extinction of sea lions.

The information preceding question 9 is also misleading. It states that scientists believe that protection, enforcement, and monitoring actions will have little impact on other species. First, some substantiation of that claim seems necessary. Second, it seems clear that the potential effects of oceanographic regime shifts, fisheries, and killer whale predation—hypotheses raised to explain the Steller sea lion decline—all may have bearing on the status of northern fur seals, which are continuing to decline in the same region, may be subject to similar risk factors, and may experience some benefit from suitable measures to protect sea lions.

Question 9 seems to suggest that, despite the directives of the Endangered Species Act and the Marine Mammal Protection Act, we ought to be able to pick and choose which populations to protect and which to ignore into extinction. The implication violates not only the spirit of conservation generally but the statutory requirements developed and enacted by Congress to guide domestic conservation programs.

Question 10 again suggests that there is some background analysis, rather than mere speculation, that costs of protection will be greater in the Aleutian Islands and that the purported difference in cost is a basis for dismissing protection and conservation measures in that region. This question suggests that the Service is considering dismissing the requirements of the Endangered Species Act and the Marine Mammal Protection Act and allowing the decline and extirpation of Steller sea lions throughout the Aleutian Islands. Furthermore, the question does not, but should, explain that there are potentially significant conservation benefits that arise from retaining Steller sea lions throughout their existing range.

Ms. Diana Hynek
30 October 2006
Page 5

Questions 11, 13, and 14 suggest a set of alternative choices that link costs to the number of sea lions. We know of no bases for these cost estimates and their linkages to the number of sea lions. They appear to be entirely hypothetical or speculative. These questions imply a degree of management control that is entirely inconsistent with our past experience with this conservation challenge. Moreover, as discussed above, these estimates appear to be orders of magnitude higher than seem warranted in light of recent costs of Steller sea lion conservation programs.

The information leading to questions 11, 13, and 14 is, again, simplistic and biased. That information states that the survey respondent should “[r]emember, if you spend money for [sea lion conservation], it won’t be available to buy other things.” Might it also remind readers that if they are willing to support conservation measures for sea lions, their contribution might help to conserve functioning ecosystems and thereby provide a more sustainable world for future generations? Recall that the Endangered Species Act states that there are numerous values associated with effective conservation.

We know that, as the lead agency responsible for recovery of the Steller sea lion, the Service is faced with a great many challenges and difficult choices. However, we also expect that the information provided and the choices made will reflect an appropriately broad perspective that is based on the best available information and that reflects a clear focus on the responsibilities entrusted to the Service by the Endangered Species Act and the Marine Mammal Protection Act. We question whether the survey as currently designed is likely to obtain the information necessary to further the goals of these statutes.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director

cc: Douglas P. DeMaster, Ph.D.
William T. Hogarth, Ph.D.
Daniel K. Lew

Response to Comments
Submitted from the Marine Mammal Commission
on October 31, 2006

Overview

Comments received from the Marine Mammal Commission (MMC) primarily fall into three general categories as discussed in this section. Detailed comments are discussed in the next section.

1. Use of the information collected generally. Several comments surround the issue of how information from the survey will be used. Specifically, the MMC raises concerns about how information from the survey will be used to influence policy decisions. For Steller sea lions, we are not suggesting data collected in the survey or estimated from the data will or should be the deciding factor in program evaluation, but rather that economic costs and benefits (public preferences) are among many useful sources of information that can be used in the evaluation of alternative protection programs. In deciding between the available management actions to protect Steller sea lions, policy makers must balance the ESA and Marine Mammal Protection Act (MMPA) goals of protecting Steller sea lions from further declines with providing for sustainable and economically viable fisheries mandated under the Magnuson-Stevens Fishery Conservation Act (P.L. 94-265). Since Steller sea lion protection is often linked to fishery regulations, decision makers must comply with several federal laws and executive orders in addition to the ESA and MMPA, including Executive Order 12866 (58 FR 51735), which requires regulatory agencies to consider costs and benefits in deciding among alternative management actions, including changes to fishery management plans made to protect Steller sea lions. Thus, under this executive order, decision makers need to *consider* both the benefits and the costs associated with proposed actions, but are not required to base their decisions on these considerations.

As described in the Federal Register correction (71 FR 54472), the goal of the survey is to collect stated preference economic information about respondents' preferences and values related to outcomes of protection actions on Steller sea lions sufficient to "estimate the non-consumptive benefits associated with the results of protection actions on Steller sea lions." This information would then be made available to decision makers as an additional source of information that may possibly be used in the evaluation of alternative protection programs to supplement other information already available; although whether or not the information is used, or is a factor in any decisions made, is solely up to the decision makers. The original Federal Register (FR) notice (71 FR 47177) was not clear on these points and was misconstrued by several readers to imply different goals. As a result, the FR correction was developed to clarify this point.

It is important to note that the reporting of the survey results will provide any necessary caveats concerning the nature and intent of asking the questions. In many cases, the questions that the MMC expressed concern about are asked as cognitive prompts that aid respondents to process and review the material they have been presented. These are critical for ensuring respondents read and understand the content of the survey. Many of these

questions also act as internal consistency checks to ensure that a respondent's responses to the valuation questions are consistent with the attitudes and preferences they indicate in these questions. At the same time, it is important to acknowledge that the nature of the actual responses (e.g., whether the results indicate the public supports or does not support additional protection efforts) does not affect the validity of the results. In our view, it is our responsibility to develop a valid survey instrument for the purpose of estimating public preferences and values associated with Steller sea lion protection, implement it in a way that is consistent with state-of-the-art methods in a scientifically-defensible manner, and convey the results in a way that makes transparent any assumptions and issues that would affect the interpretation of the results. Then, it is up to the decision makers to decide whether or not and how to use the results, if at all, within the confines of applicable laws and regulations.

2. Application of economic methods. In general, a number of the comments are assertions that do not reflect the abundant economics literature and applications of survey-based non-market valuation methods. The surveys were developed (a) by published experts in the field following standard methods, (b) reviewed in detail by nationally recognized non-market valuation economic experts and by nationally recognized survey design experts who have worked with non-market valuation methods, and (c) with multiple focus groups, one-on-one interviews, and a formal pretest that were conducted to obtain and evaluate public input. In this survey, we employ stated preference choice methods to elicit economic preference, or value, information from respondents. The methods are accepted and frequently applied in market research, transportation choice, non-market valuation, and other applications. Responses to the stated choice questions (Q11, Q13, and Q14) provide information about each respondent's preferences with respect to different goals of Steller sea lion protection, such as increasing the Western stock population size versus increasing the Eastern stock population size. These responses are analyzed using econometric models that describe the choices that are observed and result in a valuation function that reflects the public's preferences and can be used to estimate economic values, such as those described above, and to evaluate trade-offs between competing protection objectives (e.g., preferences for increasing Western stock abundance versus increasing Eastern stock abundance).
3. Design biases. Several comments express concerns that the specific survey content and wording may bias the results or be misleading. Several general points are important in response to these concerns:
 - a. To limit factual error, the content of the surveys was reviewed by NOAA program scientists and managers for technical accuracy.
 - b. To eliminate presentation biases, the survey was reviewed by non-market valuation economic experts and survey research experts.
 - c. Many of the comments about bias concern inclusion of material on the social or financial costs of the ESA or of Steller sea lions protection, specifically impacts to commercial fishing income and jobs (Page 3 of comments: "Question 8 presents costs only for conservation measures and therefore seems entirely one-sided in its perspective."). While ideally we seek to measure only the preferences and benefits of protection (not the benefits net of social impacts and costs, which may be evaluated separately), entirely omitting or underplaying these potential impacts and costs: (i) does not make these

issues disappear for respondents who are concerned about them (in the design testing, respondents would bring it up if we did not mention it), (ii) can create a perception by respondents that the survey is not neutral in obtaining public preferences and thus is biased in the opposite direction, (iii) can cripple the investigators' ability to detect differences in respondent attitudes about these impacts and to account for co-mingled benefits and costs in the estimation of benefits, and (iv) precludes the development of a realistic valuation scenario and mechanism for respondents to pay for additional protection. The selected content on social impacts and costs was included after careful attention to the matter in our review of the literature, and following input from focus groups and one-on-one interviews with members of the public.

- d. An important design consideration in stated preference non-market valuation surveys is that the survey should be cautious to avoid inflated values and should even error toward understated values. The MMC's suggestions to spend more time on ESA mandates and benefits, and downplaying considerations of impacts and costs would both be clearly upwardly biased, and would preclude economic measurement of public preferences. Simply asking for respondents to indicate support for or against a program without having realistic personal consequences, such as a specified additional cost to the household, has little defensibility within this framework.

Detailed Discussion

Below, we identify the location of specific comments (denoted by italics below) and briefly state the core of the comment and our response.¹

1. *Page 2, comment about including costs of protection.* The MMC suggests including information about how much has been spent on Steller sea lion protection. The survey is aimed at understanding how much the public values protection of Steller sea lions independent of the costs of that protection. Thus, inclusion of specific protection costs would likely bias responses to the valuation questions and preclude measurement of public preferences.²
2. *Page 2, last paragraph.* The MMC comments that "the questions related to costs seem to assume that potential increases in the cost of fish will be shared equally among consumers." The survey is set up so that respondents can interpret the cost to them as a personal household cost that may be different from another household's since the payment mechanism is described as a combination of increased taxes and higher prices for fish and fish-related items they buy. Thus, there is an explicit recognition of differing costs among households.
3. *Page 3, comment on Q1.* The MMC is unclear about why a question that asks for how people view the Endangered Species Act (ESA) is being asked and expresses concern that the responses will be used "as a basis for determining whether [the Agency] should carry out its

¹ The numbering of comments is ours to facilitate review.

² When presented program costs, respondents often "cost-calculate" an average household share. So long as the cost-calculated amount is less than or equal to their WTP, they then anchor on this value for reported values rather than revealing their WTP, thus typically biasing values downward.

responsibilities under the Act”. Q1 is used to identify respondents’ general feelings toward endangered species protection. It provides an easy start to the process of thinking about threatened and endangered species, and it sets a tone of neutrality by allowing positive and negative reactions right from the start. In initial testing and from the pretest implementation results, responses to this question were good predictors of how respondents would answer the stated preference valuation questions. It thus provides a consistency check on subsequent valuation responses (i.e., Are the valuation responses consistent with other attitudes in the survey?). As noted above in overview item 1, the information collected in the survey is not intended to determine whether or not to carry out its responsibilities under the Act, but rather to supplement other information available to decision makers who must evaluate available protection actions.

4. *Page 3, comment on Q2.* The MMC appears concerned that the purpose of Q2 is to “determine the rigor with which” agencies implement laws, particularly the ESA, based on the prioritization implied by responses to this question. In fact, the question is asked to put the issue of protecting threatened and endangered species in the context that there are many social issues (each with costs), and thus to reduce survey “importance bias” and the resultant inflating of stated values (as discussed above). This type of bias is prevalent in non-market valuation surveys that do not provide sufficient context or reminders for respondents that there are other issues that may be important to them.
5. *Page 3, comment on Q3.* This comment expresses concern over asking respondents about their opinions regarding a trade-off between protecting threatened and endangered species and job losses. As discussed in the overview item 1 above, omitting this issue does not make it go away in the minds of respondents who are concerned with it (they bring it to the survey on their own). It is better for the researcher to understand the respondent’s views as part of the process of evaluating the valuation responses. Additionally, it provides a neutral perspective by acknowledging the issues many in the public raise themselves and lets respondents express views on the issue early in the survey. And, it is one of several items used to help identify “protest” respondents who may mix protection concerns and concerns about impacts and costs.
6. *Page 3, comment on information preceding Q4.* The MMC appears concerned that the population numbers on page 3 of the survey for seals and sea lions are inaccurate. The seal and sea lion population estimates in the survey are based on the latest stock assessment reports. Still, we would appreciate MMC’s input on what the appropriate number is for the aggregated “Other” seal and sea lions on page 3, which is a very conservative estimate that omits speculation about species with unknown population sizes. The MMC’s concern about the use of the term “new protection efforts” as applied to only Steller sea lions is noted; however, as used in the survey, the term does not apply to implementation of existing protection actions, such as those being implemented to protect the Hawaiian monk seal. Note that this presentation (on pages 3 and 4 of the survey) has well-grounded non-market valuation design objectives. The first is to put the Steller sea lion population in perspective – it is not the only seal or sea lion, and it is not the only one listed as threatened or endangered. Whether one agrees or not, for some members of the public this is important information in forming their preferences about additional Steller sea lion protection and without this

information the survey would be compromised as potentially overstating the importance of Steller sea lions. Second, the statement that Steller sea lions are the only seal or seal lion species presently being actively evaluated for new protection actions lays the basis for why respondents are asked to focus on this species. In addition, MMC is concerned that the survey portrays the Hawaiian monk seal population as stable or increasing when in fact they continue to decline. However, the wording in the survey related to the Hawaiian monk seal population states that it “is small and decreasing”.

7. *Page 3, comment on Q7.* MMC is concerned that in the survey version they reviewed, only one possible future population trajectory for the Western stock is presented. We agree that this is but one possible realization of the future abundance of the Western stock. However, as noted in the e-mail accompanying the draft survey, there are several other survey versions that differ in the trajectories that are presented from the one seen in the survey reviewed by MMC. One presents a declining population trend, and the other an increasing population trend. Individuals in the sample will receive one of these three survey versions. By accounting for the uncertainty associated with future abundance estimates of the Western stock in different survey versions, we can explicitly account for this uncertainty in the model framework, thus adding richness to the overall investigation without adding complication to the respondents.
8. *Page 3, comment on information preceding Q8.* This comment concerns the second bullet statement that reads in part: “commercial fishing is not considered a major problem where the Eastern stock lives”. The MMC suggests inclusion of more details about this statement (“Is it that fishing occurs in a manner similar to that in the Gulf of Alaska and Bering Sea and doesn’t have effects, or is commercial fishing in the southeast not comparable to that in the areas occupied by the western stock?”), and expresses concern that the current wording will “result in misinterpretation and misunderstanding” by respondents. The statement is made to let respondents know that fishing activities have not been identified as a threat to Steller sea lions in the Eastern stock habitat, which is consistent with the most current information (e.g., the draft SSL recovery plan). It is not clear how more information along the lines MMC suggests would be beneficial to respondents, particularly in light of the fact that overburdening respondents with information generally leads to lower response rates and lower response quality. The information presented was selected based on focus group investigations, with the study objectives in mind.
9. *Page 4, first comment on Q8.* MMC states that “it is not always true that fishing costs more because of Steller sea lion measures.” While the MMC comment is true, it misses the point of the valuation scenario design, which is to establish credible payment scenarios with respondent responsibility. The information presented is consistent with reported estimates. Additionally, suggesting impacts to commercial fishing may or may not occur adds uncertainty to the scenario, which can be expected to compromise the valuation; some respondents may choose to report \$0 or low values because it is not certain that it will (or should) cost them anything, thus again compromising the realism and personal responsibility elements of the valuation scenario.

10. *Page 4, second comment on Q8.* MMC suggests the presentation of “costs only for conservation measures...seems entirely one-sided”. This concern is discussed in overview item 3 above.
11. *Page 4, comment on information preceding Q9.* MMC is concerned that the statement that “scientists believe the actions being considered will have little impact (good or bad) on other species” is misleading. In focus groups, respondents sometimes wondered whether changes in Steller sea lion populations would cause a chain reaction in the food chain leading to ecosystem collapse. The bulleted statement is made to address the concern of whether or not SSLs are a keystone species. The statement allows respondents to focus on assessing their feelings about changes in SSL populations without thinking that changes in SSL populations will cause the ecosystem to fundamentally change. Note that the statement does not preclude impacts associated with protection actions on other species, but does suggest that the current thinking is the effects would be small.
12. *Page 4, comment on Q9.* This comment repeats concerns about the purpose and use of the results for Q9 in the survey, which asks whether respondents believe more should be done to protect the Eastern and Western stocks. This concern is addressed by overview item #1 above, as this question is primarily used to check for consistency of attitudes expressed in the survey with the responses to stated preference choice questions.
13. *Page 4, comment on Q10.* This comment expresses concerns about the purpose and use of Q10 of the survey that deals with protection of the Western stock in some versus all habitat areas. Based on pretest results suggesting limited relative importance of this characteristic vis-à-vis other protection program characteristics, this aspect (and Q10) of the survey has been removed.
14. *Page 5, comments on Q11, Q13, and Q14.* MMC is critical of the set of choices, particularly cost estimates, included in the version of the survey they reviewed, stating, “We know of no bases for these cost estimates...” As described in the overview items above, stated preference choice questions are intended to measure a respondent’s preferences (i.e., economic benefits) associated with protecting Steller sea lions. The public benefits associated with protection of Steller sea lions are independent of the costs of that protection. Thus, how much individuals are willing to pay for such protection is not bound by the actual costs, but is bound by their ability to pay (i.e., their income). As a result, cost amounts in stated preference surveys are determined based on the likely distribution of the economic benefits. To estimate values across the population, the amounts presented must vary widely across respondents. The cost amounts presented in the survey are based on pretesting results.
15. *Page 5, comments on instructions for Q11, Q13, and Q14.* The MMC considers the budget reminder statement (“Remember, if you spend money on this, it won’t be available to buy other things.”) “biased” and “simplistic”. In stated preference valuation surveys, budget reminders are standard elements in the design, are included to ensure respondents consider the personal consequences of their choices, and are required by OMB in the survey approval process (see OMB survey guidance document accessible from <http://www.cio.noaa.gov/itmanagement/pr.htm>).

ATTACHMENT 8

Advance Letter

<DATE>

John Smith
123 Main Street
Anywhere, USA 12345

Dear <Name>

We need your help to learn what the public thinks about protecting Steller sea lions. The population of Steller sea lions has declined over the last several decades. The federal government currently provides a number of protections to Steller sea lions, and is considering what more, if anything, to do to protect them. Even though you may not be familiar with this issue, your opinion matters. Government actions to protect Steller sea lions affect all U.S. households through federal government spending.

In the next few days, you will receive a survey in the mail, with pictures and questions about seals and sea lions. The survey does not require any special knowledge.

We know your time is valuable. You will find \$10 included with your survey as a small token of our appreciation for your participation. Your household is part of a small number of households across the country scientifically selected to help. To make sure we hear from a true cross-section of households, we need to hear from you.

This survey is being conducted by the National Oceanic and Atmospheric Administration, a U.S. government agency charged with making decisions about Steller sea lion management activities.

Thank you in advance for your help.

Sincerely,

Dan Lew
Project Director
National Oceanic and Atmospheric Administration

Letter with First Mailing of Survey

<DATE>

John Smith
123 Main Street
Anywhere, USA 12345

Dear <Name>

Enclosed is the questionnaire I wrote to you about last week.

We need your help to learn what the public thinks about protecting Steller sea lions. The population of Steller sea lions has declined over the last several decades. The federal government is considering what more, if anything, to do to protect them.

Even though you may not be familiar with this issue, your opinion matters. Any government actions to protect Steller sea lions will affect all U.S. households through federal government spending. Your household is one of only a select few from across the country scientifically selected to provide opinions to be considered along with information from scientists and planners. To keep costs low and to make sure we hear from a true cross-section of the public, we need to hear from you.

Your questionnaire should be completed by either the male or female head of your household. The survey takes most people about 20 minutes to complete, sometimes more, sometimes less. The survey does not require any special knowledge – we just ask that you consider each question and respond with your own opinion.

Your name and address will be kept separate from your responses. Only your responses will be provided to the researchers for analysis. The identification number on the back of the survey is there so that <SURVEY FIRM>, a survey firm hired to assist us, can check your name off when the questionnaire is returned. If you have any questions, please call <CONTACT NAME> toll-free at 1-800-XXX-XXXX.

Thank you for your help, and please remember to complete all the questions.

Sincerely,

Dan Lew
Project Director
National Oceanic and Atmospheric Administration

Reminder Postcard

<DATE>

Last week a questionnaire was mailed to you seeking your opinions about the Steller Sea lion, a species protected under the Endangered Species Act.

If you have already completed and returned the questionnaire, please accept our sincere thanks. If you have not completed and returned the survey, we ask that you do so today.

It is very important that we hear from you. You are one of a small number of households across the country selected to give your opinions on this matter. Your response will help shape decisions about federal government actions and spending on this topic. However, a high rate of participation is required to include public opinion from the questionnaire in these decisions.

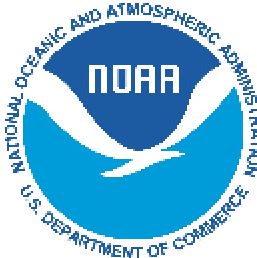
If you need another copy of the questionnaire, please call <SURVEY FIRM>, a survey firm hired to assist us, at 1-800-xxx-xxxx and a questionnaire will be mailed to you today.

Thank you for your help.

Dan Lew
Project Director
National Oceanic and Atmospheric Administration

The Future of Steller Sea Lions

What is Your Opinion?



This survey is funded by the National Oceanic and Atmospheric Administration, a U.S. government agency charged with making decisions about Steller sea lion management activities. Your participation in this survey is voluntary.

The material in this survey is based on the best available information from government, university and industry scientists.

Public reporting burden for this collection of information is estimated at 25 minutes, including time for reviewing instructions, reviewing existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Your name and address will be kept separate from your responses. Only your responses will be provided to the researchers for analysis.

OMB Control #: XXXX-XXXX
Expiration Date: XXXX, 200X

Threatened and Endangered Species

The Steller sea lion is a species protected under the U.S. Endangered Species Act. According to the act:

An endangered species is a plant or animal species that is in danger of going extinct in the areas where it normally lives.

A threatened species is a species that is at risk of becoming endangered in the areas where it normally lives.

There currently are 81 mammals, 91 birds, 137 fish, 257 other species such as reptiles and insects, and 744 plants that exist in the U.S. listed as threatened or endangered under the Endangered Species Act.

The Endangered Species Act requires the federal government to take reasonable actions to protect threatened and endangered species, such as banning hunting or protecting the places where they live.

Q1 When you think of the Endangered Species Act, how positive or negative is your general reaction? *Circle the number of the best answer.*

- 1 Mostly positive
- 2 Somewhat positive
- 3 Neutral
- 4 Somewhat negative
- 5 Mostly negative
- 9 Don't know

Q2 Protecting threatened and endangered species is just one of many issues facing the U.S. Below is a list of some issues, none of which can be solved easily or inexpensively. For each one, please indicate if you think we are spending too much money on it, about the right amount, or too little on it. *Mark the box of your response for each item.*

	We are spending...		
	Too much	About the right amount	Too little
	▼	▼	▼
Space exploration.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
The environment.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Health.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Assistance to big cities.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Law enforcement.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Drug rehabilitation.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Education.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

Some people are interested in protecting threatened and endangered species because:

- They may be a source of enjoyment and learning for people now and in the future.
- They may help to maintain a healthy ecosystem.
- They exist and should not be endangered by human actions.

Some people are concerned about the impacts of protecting threatened and endangered species because the protection activities may:

- Place restrictions on what people can do, such as limiting recreation, forestry, and fishing activities.
- Increase the cost of producing and providing goods such as food, drinking water, and lumber.

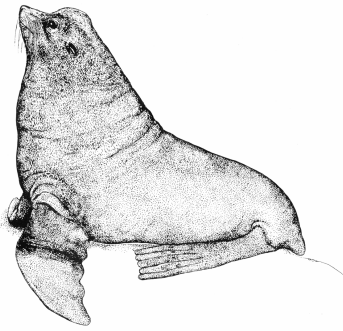
Q3 How much do you agree or disagree with the following statements? *Mark the box of your response for each statement.*

	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
Protecting threatened and endangered species is important to me.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Protecting jobs is more important than protecting threatened and endangered species.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

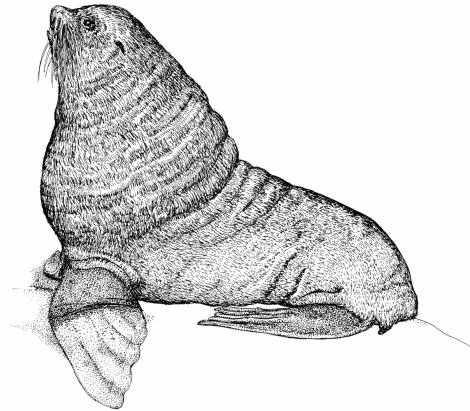
Seals and Sea Lions in the U.S.

- Today, most seals and sea lions in U.S. waters are found in the Pacific Ocean. The figure on the next page shows pictures of seal and sea lion species found along the Pacific Coast from California to Alaska and in Hawaii.
- About 50 to 100 years ago, several seal and sea lion species in U.S. waters were nearly hunted to extinction, but with bans on hunting and other protection actions, these species have rebounded.

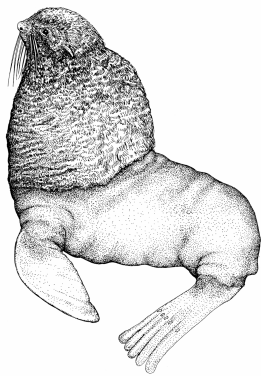
Seals and Sea Lions found along the Pacific Coast from California to Alaska and in Hawaii



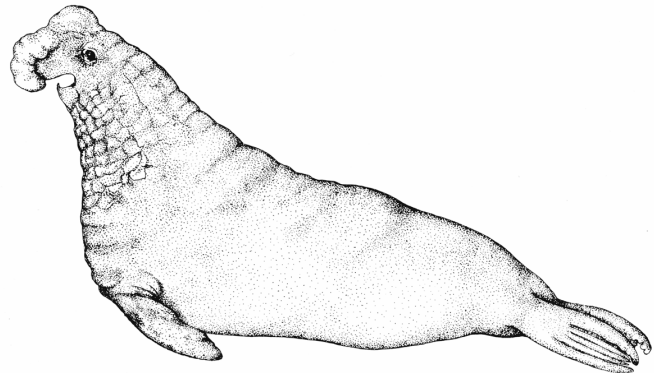
CALIFORNIA SEA LION
About 240,000 and increasing.
Many in California.



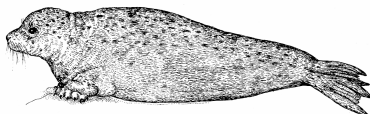
STELLER SEA LION
About 90,000.
Listed as endangered in western Alaska and
threatened in eastern Alaska, Canada, and the west
coast of the U.S.



NORTHERN FUR SEAL
About 730,000 and decreasing.



NORTHERN ELEPHANT SEAL
About 100,000 and stable.
Once nearly extinct.



HARBOR SEAL
About 150,000 and stable.

OTHERS

Guadalupe fur seal (listed as threatened), Hawaiian monk seal (listed as endangered), ringed seal, spotted seal, bearded seal, and ribbon seal.
About 250,000 overall.

Today, three seal and sea lion species in U.S. waters are listed as threatened or endangered.

- The Guadalupe fur seal (found mostly in Mexico, with a few in Southern California) is listed as threatened. Since hunting was banned, its population has been increasing.
- The Hawaiian monk seal, found only in Hawaii, is listed as endangered. Its population is small and decreasing, although protection efforts over the past 20 years have slowed its decline.
- The Steller sea lion is listed as threatened and endangered in different portions of its range. New protection efforts are now being considered for the Steller sea lion, as discussed later in the survey.

Q4 Have you personally observed seals or sea lions in nature (outside of zoos and aquariums)?

Circle the number of the best answer.

- 1 Yes
- 2 No
- 9 Don't know

Some Steller Sea Lion Facts



- Steller sea lions are the largest sea lions. They can grow to 11 feet long and weigh up to 2400 pounds.
- An adult Steller sea lion eats about 10 tons of food per year, mostly fish like pollock, mackerel, herring, cod, and salmon that commercial fishermen catch for people to eat.
- They do not migrate and generally stay within a few hundred miles of where they are born
- Aside from the fish they eat, scientists have not identified any species that are greatly affected by how many Steller sea lions there are.

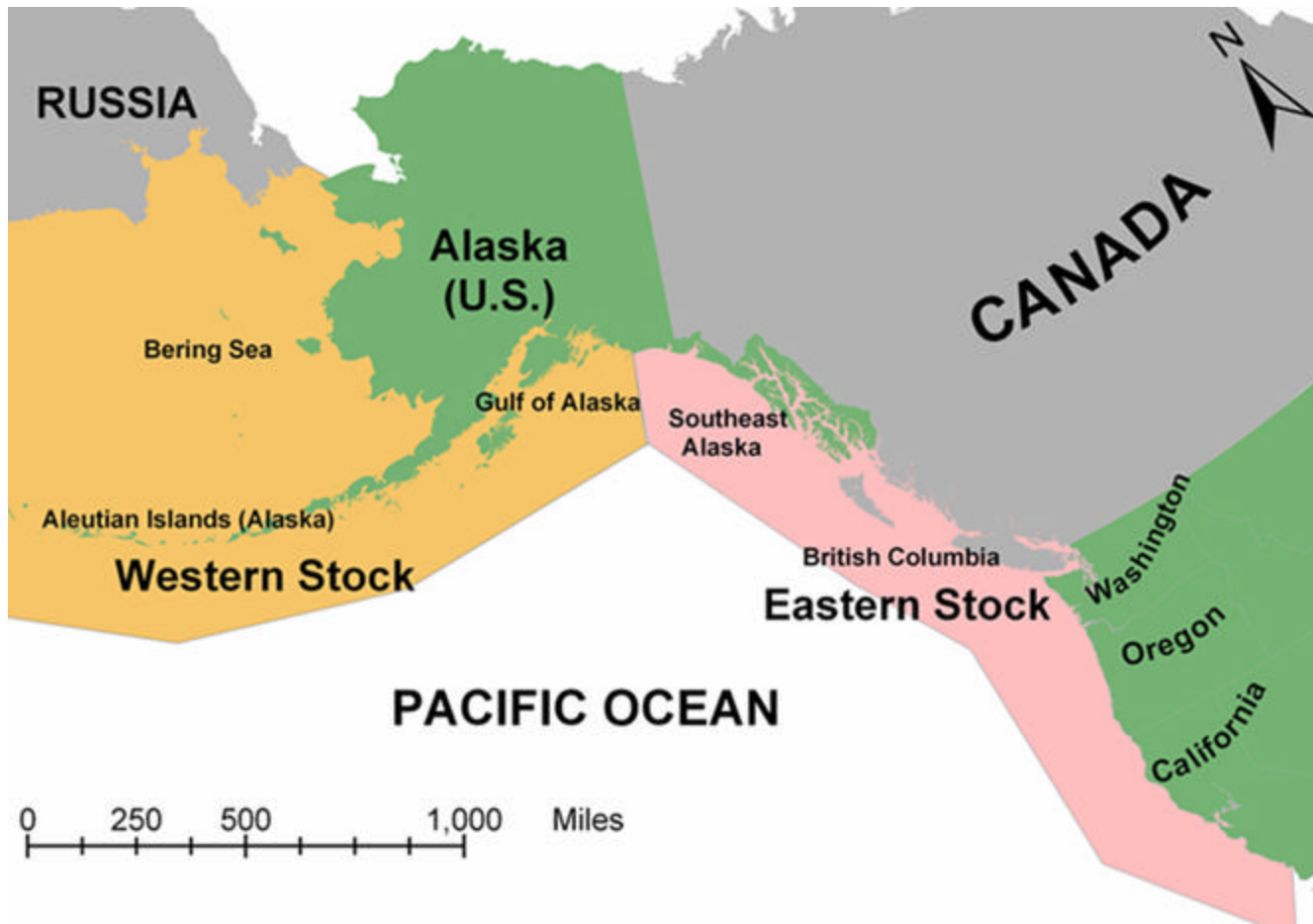
Q5 Before today, had you ever seen, heard, or read about Steller sea lions? *Circle the number of the best answer.*

- 1 Yes
- 2 No
- 9 Don't know

The Western and Eastern Stocks of Steller Sea Lions

Scientists divide the Steller sea lion species into two groups, called “stocks”. These stocks have genetic differences, live in different areas, and rarely mix. The map below shows the areas where each stock lives.

- Western stock:** From the Gulf of Alaska to the Aleutian Islands of Alaska
- Eastern stock:** From California to Southeast Alaska

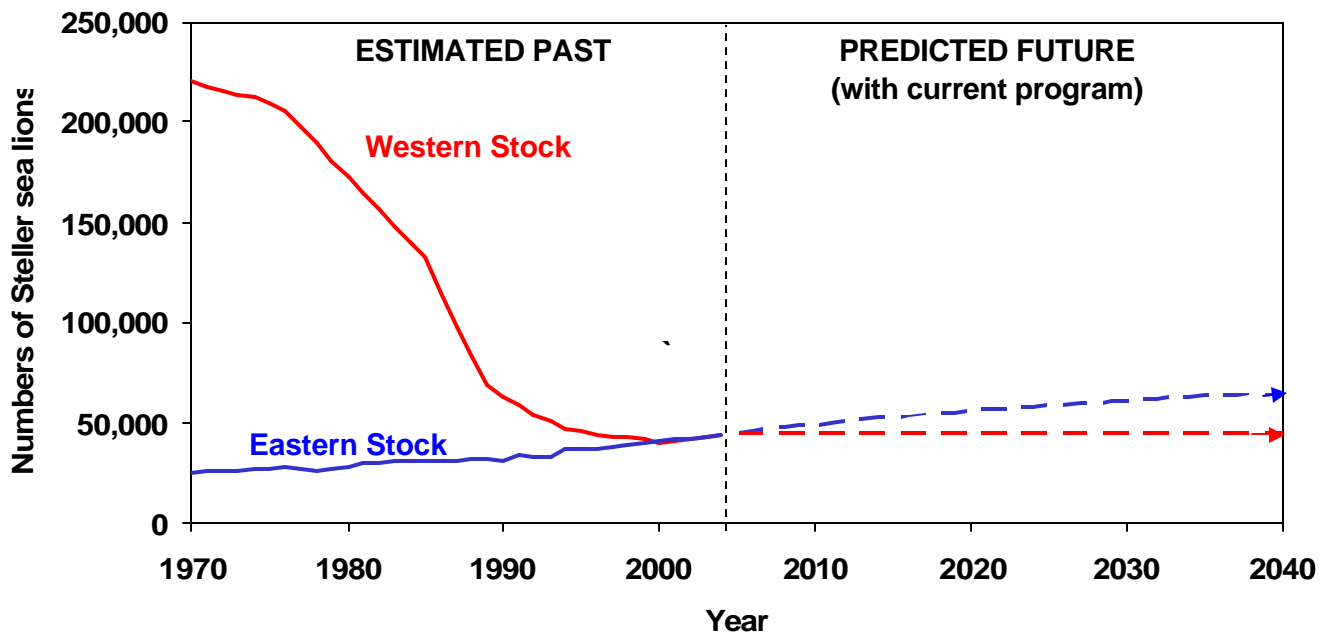


Most Steller sea lions live in U.S. waters, where activities like hunting and fishing are subject to U.S. laws. Russia and Canada also protect Steller sea lions with laws similar to those in the U.S.

Q6 Have you ever lived in or visited coastal areas of Alaska where the Western stock lives?
Circle the number of the best answer.

- 1 Yes
- 2 No

The figure below shows the past population of Steller sea lions from 1970 to 2004. The figure also shows the predicted future population if recent trends continue.



Over the past 16 years, the federal government has taken actions to protect Steller sea lions, such as banning shootings of Steller sea lions and starting restrictions on commercial fishing.

With these actions and given past population trends :

- The Western stock currently is listed as endangered. The overall population appears to have stabilized in recent years, but at these levels will remain listed as an endangered species.
- The Eastern stock currently is listed as threatened. The population is slowly increasing in most areas. The Eastern stock is expected to be no longer threatened in the next 10 years.

Q7 After looking at the information on this page, how concerned are you, if at all, about the Western and Eastern stocks of Steller sea lions? Mark the box of your response.

	Not at all concerned	A little concerned	Somewhat concerned	Very concerned	Extremely concerned
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Western stock.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Eastern stock.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

Steller Sea Lions and Commercial Fishing

A threat to the Western stock of Steller sea lions is commercial fishing catching the same fish that Steller sea lions eat.

- Few people know that in the last 30 years there has been a large increase in commercial fishing where the Western stock lives. Now, nearly half of all U.S. commercial fish are caught in these waters.
- Commercial fishing is not considered a major problem where the Eastern stock lives.

The federal government has started restricting commercial fishing in areas where the Western stock of Steller sea lions lives so that more fish are available for them to eat.

- The current program of fishing restrictions limits where and how often boats can fish and the amount and type of fish they can catch.
- Even with the current program, scientists believe the Western stock will remain endangered, and in 60 years is expected to have the same population it has today (about 45,000).

Q8 Commercial fishing restrictions to help Steller sea lions have made fishing more costly. The result has been some loss of jobs and income to commercial fishermen (estimated to be 5% or less so far). This has also led to higher fish prices.

How concerned are you, if at all, about each of the following? Mark the box of your response.

	Not at all concerned ▼	A little concerned ▼	Somewhat concerned ▼	Very concerned ▼	Extremely concerned ▼
Lost commercial fishing jobs due to Steller sea lion protection.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Higher prices for fish you buy due to Steller sea lion protection.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

New Steller Sea Lion Protection Actions

To help the Western stock of Steller sea lions recover, the federal government is considering other protection actions that may include new fishing restrictions, more enforcement of the fishing restrictions, and more monitoring of Steller sea lions.

- “Recover” means the population increases enough so that it can be removed from the list of threatened and endangered species.
- Some of the Eastern stock may also be helped by these protection actions.
- But, scientists believe the actions being considered will have little impact (good or bad) on other species.

Doing more to protect the Western stock of Steller sea lions will cost every U.S. household more money.

- Your household’s costs increase through higher prices for fish and fish products you buy and through increases in your federal taxes.
- Most of the increased cost will occur in the first 20 years while commercial fishing adjusts to more restrictions, and to fund more government enforcement and monitoring.

Q9 How much do you agree or disagree with the following statements? *Mark the box of your response for each statement.*

	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
Even if it costs us more money, we should do more so that the Western stock recovers.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
So long as the Eastern stock recovers, it doesn’t matter to me if the Western stock recovers.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

What Alternatives Do You Prefer?

As we have discussed, new alternatives are being considered to protect Steller sea lions. Your opinions are important to help understand what alternatives the public prefers.

The next questions compare the expected results after 60 years under alternative programs of fishing restrictions and government enforcement and monitoring. In each question:

- Alternative A presents the expected results after 60 years under the current program. Continuing the current program would not increase the costs to your household.
- Alternatives B and C present the expected results after 60 years under two of the many possible alternatives that do more and cost more to protect Steller sea lions.
 - The added cost to your household each year for 20 years above the cost of the current program is also listed.
 - Remember, if you spend money for this, it won't be available to buy other things.

Since scientists are still working on the alternatives and the costs, we are asking you several questions (Q10, Q12, Q13) that cover a range of possible alternatives, their results, and costs.

Q10 Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

	Results in 60 years for each alternative		
	Alternative A Current program	Alternative B	Alternative C
Western Stock Population status..... (Endangered now)	Endangered	Threatened	Endangered
Population size..... (45,000 now)	45,000	75,000	45,000
Eastern Stock Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	80,000
Added cost to your household each year for 20 years.....	\$0	\$40	\$10

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q11 Please write a comment that helps us understand your responses in Q10.

Q12 Here again is the current program and two other alternatives. Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

	Results in 60 years for each alternative		
	Alternative A Current program	Alternative B	Alternative C
Western Stock Population status..... (Endangered now)	Endangered	Threatened	Threatened
Population size..... (45,000 now)	45,000	60,000	75,000
Eastern Stock Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	60,000
Added cost to your household each year for 20 years.....	\$0	\$20	\$15

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q13 Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

	Results in 60 years for each alternative		
	Alternative A Current program	Alternative B	Alternative C
Western Stock			
Population status..... (Endangered now)	Endangered	Recovered	Recovered
Population size..... (45,000 now)	45,000	120,000	90,000
Eastern Stock			
Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	80,000
Added cost to your household each year for 20 years.....	\$0	\$90	\$60

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q14 The following are statements some people tell us about their answers to Q10, Q12, and Q13. How much do you agree or disagree with each of the following statements? Mark the box of your response for each statement.

	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
I did not feel it was my responsibility to pay for the protection of Steller sea lions...	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
There was not enough information for me to make an informed choice between the alternatives.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
The added costs I was willing to pay were just to protect Steller sea lions, and not to protect other species.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
I was concerned that the federal government will not effectively protect Steller sea lions.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
I should not have to pay more federal taxes for any reason.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

Q15 These questions were asked to obtain public input for decision makers to consider along with information from scientists and planners. People feel differently about how confident they are with their selection of alternatives and the costs they would have to pay.

How confident are you that your answers in Q10, Q12, and Q13 accurately reflect how you feel about the alternatives for protecting Steller sea lions? Check the best answer.

Not at all confident	Slightly confident	Somewhat confident	Very confident	Extremely confident
1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

About You and Your Household

This information is used to compare our survey respondents with the U.S. population. Your responses will be kept confidential and separate from your name and address. Material identifying you will be destroyed at the end of the study.

H1 Are you male or female? 1 Male 2 Female

H2 In what year were you born? 19_____

H3 How many people do you live with in each of the following age groups?

If none for a category please write "0".

_____ Under 18 _____ 18 to 35 _____ 36 to 60 _____ Over 60

H4 Which of the following best describes your employment status? *Circle the number of the best answer.*

- | | | | |
|---|--------------------|---|--------------------------------------|
| 1 | Employed full-time | 5 | Retired |
| 2 | Employed part-time | 6 | Currently unemployed |
| 3 | Homemaker | 7 | Other (<i>please specify</i>)_____ |
| 4 | Student | | |

H5 Have you or a family member been employed in the commercial fishing industry? *Circle the number of the best answer.*

- 1 Yes
- 2 No
- 9 Don't know

H6 What is the highest grade or level of school you have completed? *Circle the number of the best answer.*

- 1 Some high school or less
- 2 High school diploma or equivalent
- 3 Some college
- 4 Two year college degree (AA, AS) or technical school
- 5 Four year college graduate (BA, BS)
- 6 Some graduate work but did not receive a graduate degree
- 7 Graduate degree (MA, MS, MBA, PhD, JD, MD, etc.)

H7 Do you own or rent your residence? *Circle the number of your answer.*

- 1 Own
- 2 Rent

(Please continue to the next page)

H8 How many listed telephone numbers does your household have?

_____ listed telephone numbers

H9 Are you Hispanic or Latino? *Circle the number of the best answer.*

- 1 Yes
- 2 No

H10 Which of the following best describes you? *Circle one or more.*

- 1 Asian
- 2 American Indian or Alaska Native
- 3 Black or African American
- 4 Native Hawaiian or Other Pacific Islander
- 5 White

H11 What was your household income (before taxes) in 2006? *Circle one number.*

- 1 Less than \$10,000
- 2 \$10,000 to \$19,999
- 3 \$20,000 to \$29,999
- 4 \$30,000 to \$39,999
- 5 \$40,000 to \$49,999
- 6 \$50,000 to \$59,999
- 7 \$60,000 to \$79,999
- 8 \$80,000 to \$99,999
- 9 \$100,000 to \$124,999
- 10 \$125,000 to \$149,999
- 11 \$150,000 to \$200,000
- 12 \$200,000 or more

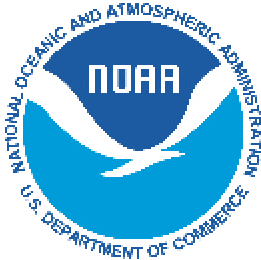
Is there anything we overlooked?

Please use the space below to provide us with any other comments you would like to make.

YOUR PARTICIPATION IS GREATLY APPRECIATED!

The Future of Steller Sea Lions

What is Your Opinion?



This survey is funded by the National Oceanic and Atmospheric Administration, a U.S. government agency charged with making decisions about Steller sea lion management activities. Your participation in this survey is voluntary.

The material in this survey is based on the best available information from government, university and industry scientists.

Public reporting burden for this collection of information is estimated at 25 minutes, including time for reviewing instructions, reviewing existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Your name and address will be kept separate from your responses. Only your responses will be provided to the researchers for analysis.

OMB Control #: XXXX-XXXX
Expiration Date: XXXX, 200X

Threatened and Endangered Species

The Steller sea lion is a species protected under the U.S. Endangered Species Act. According to the act:

An endangered species is a plant or animal species that is in danger of going extinct in the areas where it normally lives.

A threatened species is a species that is at risk of becoming endangered in the areas where it normally lives.

There currently are 81 mammals, 91 birds, 137 fish, 257 other species such as reptiles and insects, and 744 plants that exist in the U.S. listed as threatened or endangered under the Endangered Species Act.

The Endangered Species Act requires the federal government to take reasonable actions to protect threatened and endangered species, such as banning hunting or protecting the places where they live.

Q1 When you think of the Endangered Species Act, how positive or negative is your general reaction? *Circle the number of the best answer.*

- 1 Mostly positive
- 2 Somewhat positive
- 3 Neutral
- 4 Somewhat negative
- 5 Mostly negative
- 9 Don't know

Q2 Protecting threatened and endangered species is just one of many issues facing the U.S. Below is a list of some issues, none of which can be solved easily or inexpensively. For each one, please indicate if you think we are spending too much money on it, about the right amount, or too little on it. *Mark the box of your response for each item.*

	We are spending...		
	Too much	About the right amount	Too little
	▼	▼	▼
Space exploration.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
The environment.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Health.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Assistance to big cities.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Law enforcement.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Drug rehabilitation.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Education.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

Some people are interested in protecting threatened and endangered species because:

- They may be a source of enjoyment and learning for people now and in the future.
- They may help to maintain a healthy ecosystem.
- They exist and should not be endangered by human actions.

Some people are concerned about the impacts of protecting threatened and endangered species because the protection activities may:

- Place restrictions on what people can do, such as limiting recreation, forestry, and fishing activities.
- Increase the cost of producing and providing goods such as food, drinking water, and lumber.

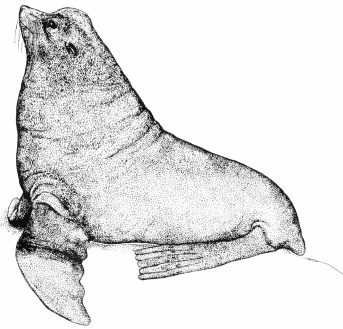
Q3 How much do you agree or disagree with the following statements? *Mark the box of your response for each statement.*

	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
Protecting threatened and endangered species is important to me.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Protecting jobs is more important than protecting threatened and endangered species.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

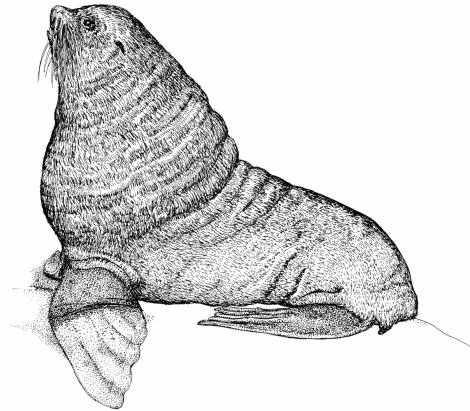
Seals and Sea Lions in the U.S.

- Today, most seals and sea lions in U.S. waters are found in the Pacific Ocean. The figure on the next page shows pictures of seal and sea lion species found along the Pacific Coast from California to Alaska and in Hawaii.
- About 50 to 100 years ago, several seal and sea lion species in U.S. waters were nearly hunted to extinction, but with bans on hunting and other protection actions, these species have rebounded.

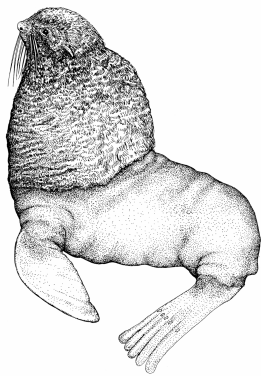
Seals and Sea Lions found along the Pacific Coast from California to Alaska and in Hawaii



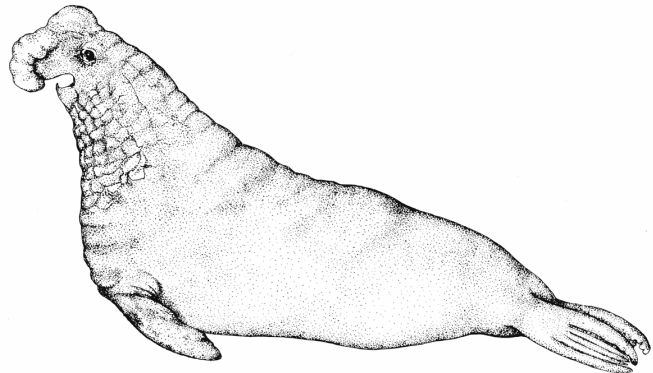
CALIFORNIA SEA LION
About 240,000 and increasing.
Many in California.



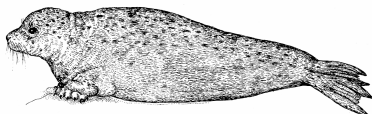
STELLER SEA LION
About 90,000.
Listed as endangered in western Alaska and
threatened in eastern Alaska, Canada, and the west
coast of the U.S.



NORTHERN FUR SEAL
About 730,000 and decreasing.



NORTHERN ELEPHANT SEAL
About 100,000 and stable.
Once nearly extinct.



HARBOR SEAL
About 150,000 and stable.

OTHERS

Guadalupe fur seal (listed as threatened), Hawaiian monk seal (listed as endangered), ringed seal, spotted seal, bearded seal, and ribbon seal.
About 250,000 overall.

Today, three seal and sea lion species in U.S. waters are listed as threatened or endangered.

- The Guadalupe fur seal (found mostly in Mexico, with a few in Southern California) is listed as threatened. Since hunting was banned, its population has been increasing.
- The Hawaiian monk seal, found only in Hawaii, is listed as endangered. Its population is small and decreasing, although protection efforts over the past 20 years have slowed its decline.
- The Steller sea lion is listed as threatened and endangered in different portions of its range. New protection efforts are now being considered for the Steller sea lion, as discussed later in the survey.

Q4 Have you personally observed seals or sea lions in nature (outside of zoos and aquariums)?

Circle the number of the best answer.

- 1 Yes
- 2 No
- 9 Don't know

Some Steller Sea Lion Facts



- Steller sea lions are the largest sea lions. They can grow to 11 feet long and weigh up to 2400 pounds.
- An adult Steller sea lion eats about 10 tons of food per year, mostly fish like pollock, mackerel, herring, cod, and salmon that commercial fishermen catch for people to eat.
- They do not migrate and generally stay within a few hundred miles of where they are born
- Aside from the fish they eat, scientists have not identified any species that are greatly affected by how many Steller sea lions there are.

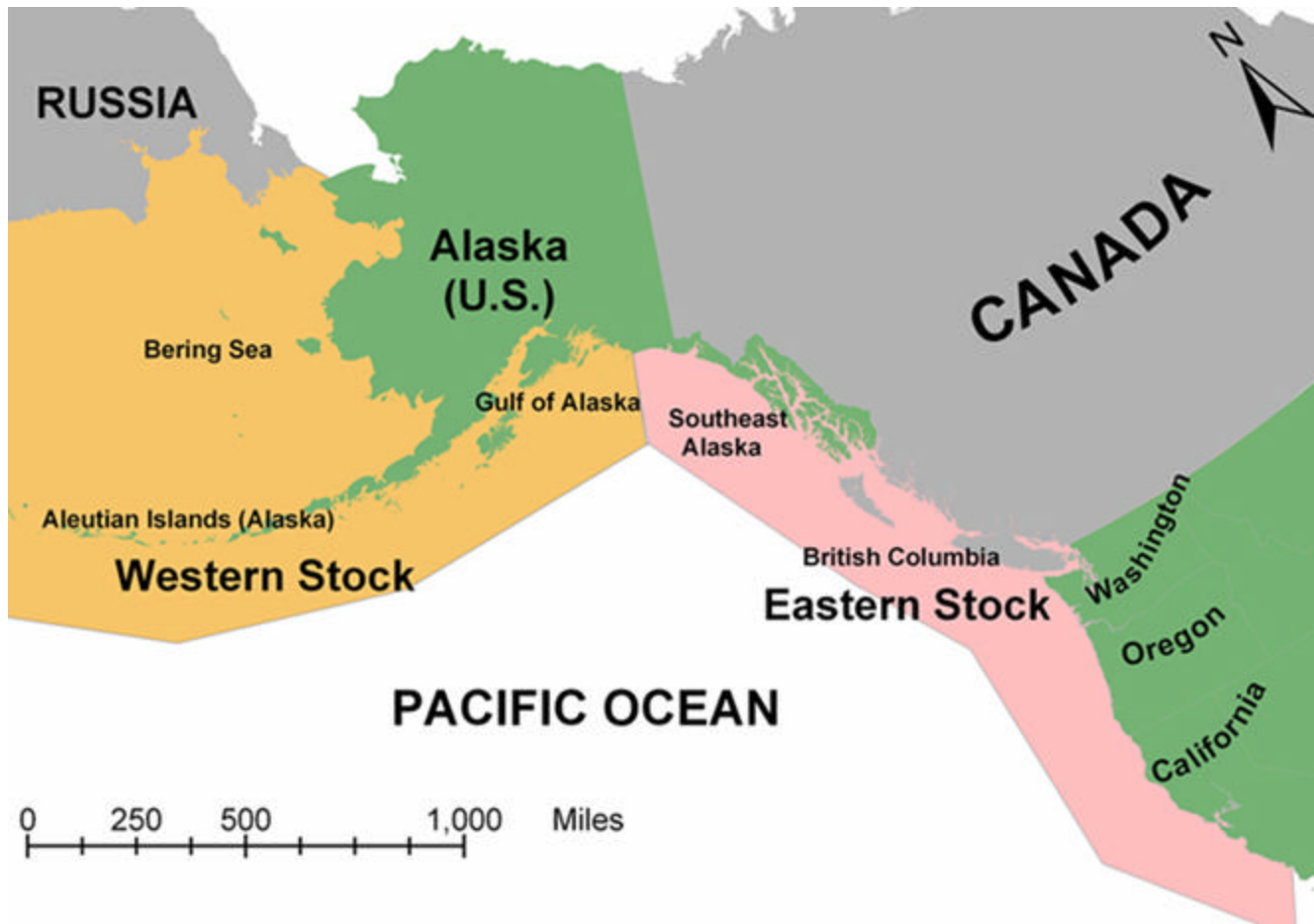
Q5 Before today, had you ever seen, heard, or read about Steller sea lions? *Circle the number of the best answer.*

- 1 Yes
- 2 No
- 9 Don't know

The Western and Eastern Stocks of Steller Sea Lions

Scientists divide the Steller sea lion species into two groups, called “stocks”. These stocks have genetic differences, live in different areas, and rarely mix. The map below shows the areas where each stock lives.

- Western stock: From the Gulf of Alaska to the Aleutian Islands of Alaska**
- Eastern stock: From California to Southeast Alaska**

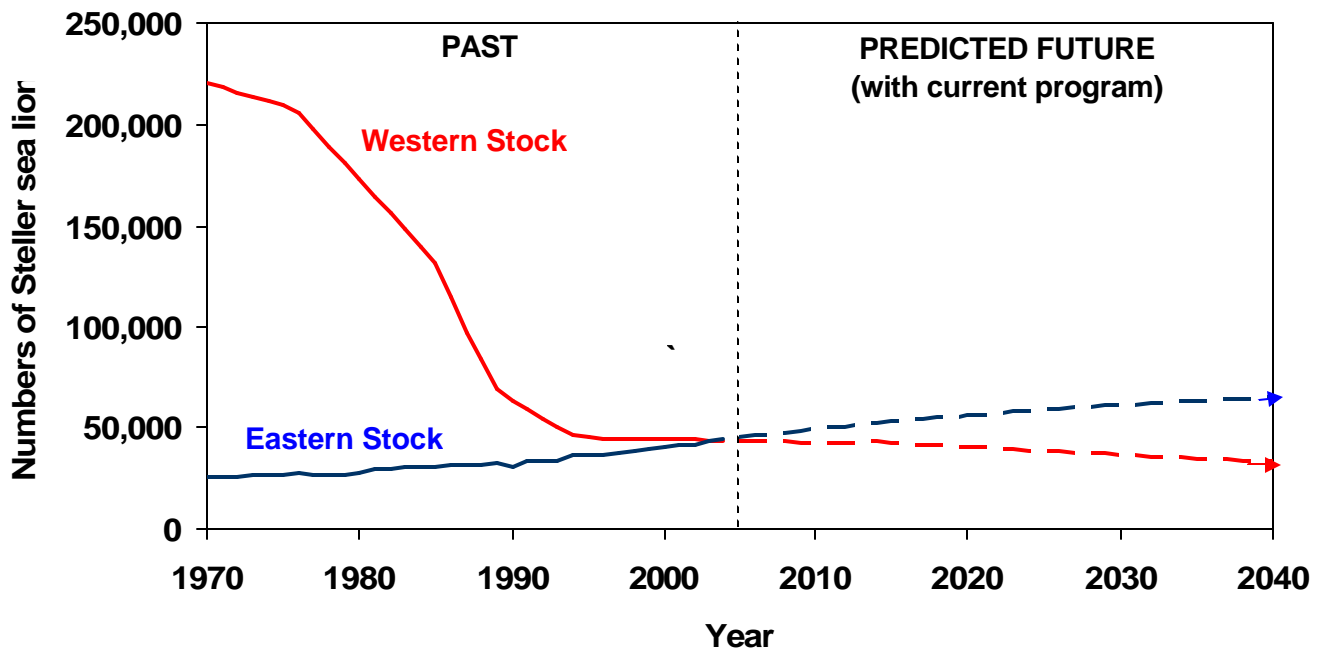


Most Steller sea lions live in U.S. waters, where activities like hunting and fishing are subject to U.S. laws. Russia and Canada also protect Steller sea lions with laws similar to those in the U.S.

Q6 Have you ever lived in or visited coastal areas of Alaska where the Western stock lives?
Circle the number of the best answer.

- 1 Yes
- 2 No

The figure below shows the past population of Steller sea lions from 1970 to 2004. The figure also shows the predicted future population if recent trends continue.



Over the past 16 years, the federal government has taken actions to protect Steller sea lions, such as banning shootings of Steller sea lions and starting restrictions on commercial fishing.

With these actions and given past population trends :

- The Western stock currently is listed as endangered. The population continues to decrease but at a slower rate than before these actions were taken.
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Q7 After looking at the information on this page, how concerned are you, if at all, about the Western and Eastern stocks of Steller sea lions? Mark the box ☒ of your response.

	Not at all concerned	A little concerned	Somewhat concerned	Very concerned	Extremely concerned
	▼	▼	▼	▼	▼
Western stock.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Eastern stock.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

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A threat to the Western stock of Steller sea lions is commercial fishing catching the same fish that Steller sea lions eat.

- Few people know that in the last 30 years there has been a large increase in commercial fishing where the Western stock lives. Now, nearly half of all U.S. commercial fish are caught in these waters.
- Commercial fishing is not considered a major problem where the Eastern stock lives.

The federal government has started restricting commercial fishing in areas where the Western stock of Steller sea lions lives so that more fish are available for them to eat.

- The current program of fishing restrictions limits where and how often boats can fish and the amount and type of fish they can catch.
- With the current program, scientists believe the Western stock will remain endangered, and in 60 years is expected to decrease in population from today's 45,000 to 26,000.

Q8 Commercial fishing restrictions to help Steller sea lions have made fishing more costly. The result has been some loss of jobs and income to commercial fishermen (estimated to be 5% or less so far). This has also led to higher fish prices.

How concerned are you, if at all, about each of the following? Mark the box of your response.

	Not at all concerned ▼	A little concerned ▼	Somewhat concerned ▼	Very concerned ▼	Extremely concerned ▼
Lost commercial fishing jobs due to Steller sea lion protection.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Higher prices for fish you buy due to Steller sea lion protection.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

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To help the Western stock of Steller sea lions recover, the federal government is considering other protection actions that may include new fishing restrictions, more enforcement of the fishing restrictions, and more monitoring of Steller sea lions.

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	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
Even if it costs us more money, we should do more so that the Western stock is no longer endangered.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
So long as the Eastern stock recovers, it doesn’t matter to me if the Western stock remains endangered.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

What Alternatives Do You Prefer?

As we have discussed, new alternatives are being considered to protect Steller sea lions. Your opinions are important to help understand what alternatives the public prefers.

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	Alternative A Current program	Alternative B	Alternative C
Western Stock Population status..... (Endangered now)	Endangered	Threatened	Recovered
Population size..... (45,000 now)	26,000	75,000	90,000
Eastern Stock Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	80,000
Added cost to your household each year for 20 years.....	\$0	\$30	\$50

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q11 Please write a comment that helps us understand your responses in Q10.

Q12 Here again is the current program and two other alternatives. Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

Results in 60 years for each alternative			
	Alternative A Current program	Alternative B	Alternative C
Western Stock Population status..... (Endangered now)	Endangered	Endangered	Threatened
Population size..... (45,000 now)	26,000	45,000	60,000
Eastern Stock Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	60,000
Added cost to your household each year for 20 years.....	\$0	\$15	\$10

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q13 Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

	Results in 60 years for each alternative		
	Alternative A Current program	Alternative B	Alternative C
Western Stock Population status..... (Endangered now)	Endangered	Recovered	Threatened
Population size..... (45,000 now)	26,000	90,000	60,000
Eastern Stock Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	60,000
Added cost to your household each year for 20 years.....	\$0	\$50	\$10

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q14 The following are statements some people tell us about their answers to Q10, Q12, and Q13. How much do you agree or disagree with each of the following statements? Mark the box of your response for each statement.

	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
I did not feel it was my responsibility to pay for the protection of Steller sea lions...	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
There was not enough information for me to make an informed choice between the alternatives.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
The added costs I was willing to pay were just to protect Steller sea lions, and not to protect other species.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
I was concerned that the federal government will not effectively protect Steller sea lions.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
I should not have to pay more federal taxes for any reason.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

Q15 These questions were asked to obtain public input for decision makers to consider along with information from scientists and planners. People feel differently about how confident they are with their selection of alternatives and the costs they would have to pay.

How confident are you that your answers in Q10, Q12, and Q13 accurately reflect how you feel about the alternatives for protecting Steller sea lions? Check the best answer.

Not at all confident	Slightly confident	Somewhat confident	Very confident	Extremely confident
1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

About You and Your Household

This information is used to compare our survey respondents with the U.S. population. Your responses will be kept confidential and separate from your name and address. Material identifying you will be destroyed at the end of the study.

H1 Are you male or female? 1 Male 2 Female

H2 In what year were you born? 19_____

H3 How many people do you live with in each of the following age groups?

If none for a category please write "0".

_____ Under 18 _____ 18 to 35 _____ 36 to 60 _____ Over 60

H4 Which of the following best describes your employment status? *Circle the number of the best answer.*

- | | | | |
|---|--------------------|---|--------------------------------------|
| 1 | Employed full-time | 5 | Retired |
| 2 | Employed part-time | 6 | Currently unemployed |
| 3 | Homemaker | 7 | Other (<i>please specify</i>)_____ |
| 4 | Student | | |

H5 Have you or a family member been employed in the commercial fishing industry? *Circle the number of the best answer.*

- 1 Yes
- 2 No
- 9 Don't know

H6 What is the highest grade or level of school you have completed? *Circle the number of the best answer.*

- 1 Some high school or less
- 2 High school diploma or equivalent
- 3 Some college
- 4 Two year college degree (AA, AS) or technical school
- 5 Four year college graduate (BA, BS)
- 6 Some graduate work but did not receive a graduate degree
- 7 Graduate degree (MA, MS, MBA, PhD, JD, MD, etc.)

H7 Do you own or rent your residence? *Circle the number of your answer.*

- 1 Own
- 2 Rent

(Please continue to the next page)

H8 How many listed telephone numbers does your household have?

_____ listed telephone numbers

H9 Are you Hispanic or Latino? *Circle the number of the best answer.*

- 1 Yes
- 2 No

H10 Which of the following best describes you? *Circle one or more.*

- 1 Asian
- 2 American Indian or Alaska Native
- 3 Black or African American
- 4 Native Hawaiian or Other Pacific Islander
- 5 White

H11 What was your household income (before taxes) in 2006? *Circle one number.*

- 1 Less than \$10,000
- 2 \$10,000 to \$19,999
- 3 \$20,000 to \$29,999
- 4 \$30,000 to \$39,999
- 5 \$40,000 to \$49,999
- 6 \$50,000 to \$59,999
- 7 \$60,000 to \$79,999
- 8 \$80,000 to \$99,999
- 9 \$100,000 to \$124,999
- 10 \$125,000 to \$149,999
- 11 \$150,000 to \$200,000
- 12 \$200,000 or more

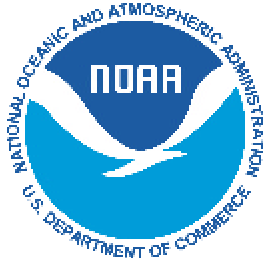
Is there anything we overlooked?

Please use the space below to provide us with any other comments you would like to make.

YOUR PARTICIPATION IS GREATLY APPRECIATED!

The Future of Steller Sea Lions

What is Your Opinion?



This survey is funded by the National Oceanic and Atmospheric Administration, a U.S. government agency charged with making decisions about Steller sea lion management activities. Your participation in this survey is voluntary.

The material in this survey is based on the best available information from government, university and industry scientists.

Public reporting burden for this collection of information is estimated at 25 minutes, including time for reviewing instructions, reviewing existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number Your name and address will be kept separate from your responses. Only your responses will be provided to the researchers for analysis.

OMB Control #: XXXX-XXXX
Expiration Date: XXXX, 200X

Threatened and Endangered Species

The Steller sea lion is a species protected under the U.S. Endangered Species Act. According to the act:

An endangered species is a plant or animal species that is in danger of going extinct in the areas where it normally lives.

A threatened species is a species that is at risk of becoming endangered in the areas where it normally lives.

There currently are 81 mammals, 91 birds, 137 fish, 257 other species such as reptiles and insects, and 744 plants that exist in the U.S. listed as threatened or endangered under the Endangered Species Act.

The Endangered Species Act requires the federal government to take reasonable actions to protect threatened and endangered species, such as banning hunting or protecting the places where they live.

Q1 When you think of the Endangered Species Act, how positive or negative is your general reaction? *Circle the number of the best answer.*

- 1 Mostly positive
- 2 Somewhat positive
- 3 Neutral
- 4 Somewhat negative
- 5 Mostly negative
- 9 Don't know

Q2 Protecting threatened and endangered species is just one of many issues facing the U.S. Below is a list of some issues, none of which can be solved easily or inexpensively. For each one, please indicate if you think we are spending too much money on it, about the right amount, or too little on it. *Mark the box of your response for each item.*

	We are spending...		
	Too much	About the right amount	Too little
	▼	▼	▼
Space exploration.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
The environment.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Health.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Assistance to big cities.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Law enforcement.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Drug rehabilitation.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Education.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

Some people are interested in protecting threatened and endangered species because:

- They may be a source of enjoyment and learning for people now and in the future.
- They may help to maintain a healthy ecosystem.
- They exist and should not be endangered by human actions.

Some people are concerned about the impacts of protecting threatened and endangered species because the protection activities may:

- Place restrictions on what people can do, such as limiting recreation, forestry, and fishing activities.
- Increase the cost of producing and providing goods such as food, drinking water, and lumber.

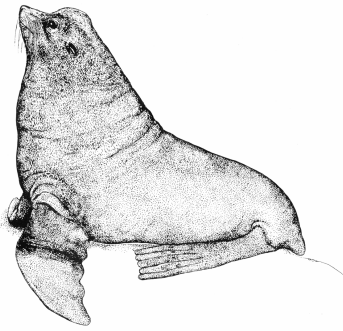
Q3 How much do you agree or disagree with the following statements? *Mark the box of your response for each statement.*

	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
Protecting threatened and endangered species is important to me.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Protecting jobs is more important than protecting threatened and endangered species.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

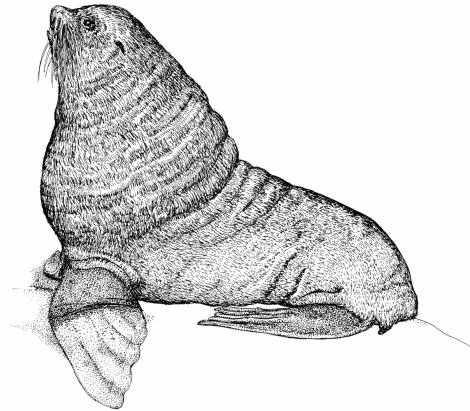
Seals and Sea Lions in the U.S.

- Today, most seals and sea lions in U.S. waters are found in the Pacific Ocean. The figure on the next page shows pictures of seal and sea lion species found along the Pacific Coast from California to Alaska and in Hawaii.
- About 50 to 100 years ago, several seal and sea lion species in U.S. waters were nearly hunted to extinction, but with bans on hunting and other protection actions, these species have rebounded.

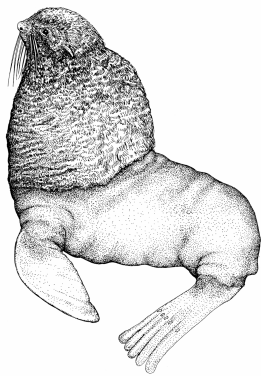
Seals and Sea Lions found along the Pacific Coast from California to Alaska and in Hawaii



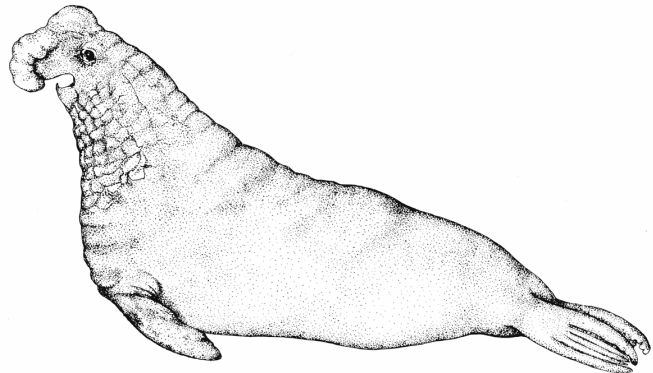
CALIFORNIA SEA LION
About 240,000 and increasing.
Many in California.



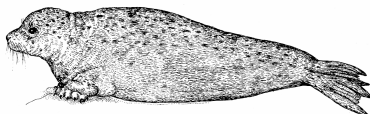
STELLER SEA LION
About 90,000.
Listed as endangered in western Alaska and
threatened in eastern Alaska, Canada, and the west
coast of the U.S.



NORTHERN FUR SEAL
About 730,000 and decreasing.



NORTHERN ELEPHANT SEAL
About 100,000 and stable.
Once nearly extinct.



HARBOR SEAL
About 150,000 and stable.

OTHERS

Guadalupe fur seal (listed as threatened), Hawaiian monk seal (listed as endangered), ringed seal, spotted seal, bearded seal, and ribbon seal.
About 250,000 overall.

Today, three seal and sea lion species in U.S. waters are listed as threatened or endangered.

- The Guadalupe fur seal (found mostly in Mexico, with a few in Southern California) is listed as threatened. Since hunting was banned, its population has been increasing.
- The Hawaiian monk seal, found only in Hawaii, is listed as endangered. Its population is small and decreasing, although protection efforts over the past 20 years have slowed its decline.
- The Steller sea lion is listed as threatened and endangered in different portions of its range. New protection efforts are now being considered for the Steller sea lion, as discussed in later in the survey.

Q4 Have you personally observed seals or sea lions in nature (outside of zoos and aquariums)?

Circle the number of the best answer.

- 1 Yes
- 2 No
- 9 Don't know

Some Steller Sea Lion Facts



- Steller sea lions are the largest sea lions. They can grow to 11 feet long and weigh up to 2400 pounds.
- An adult Steller sea lion eats about 10 tons of food per year, mostly fish like pollock, mackerel, herring, cod, and salmon that commercial fishermen catch for people to eat.
- They do not migrate and generally stay within a few hundred miles of where they are born
- Aside from the fish they eat, scientists have not identified any species that are greatly affected by how many Steller sea lions there are.

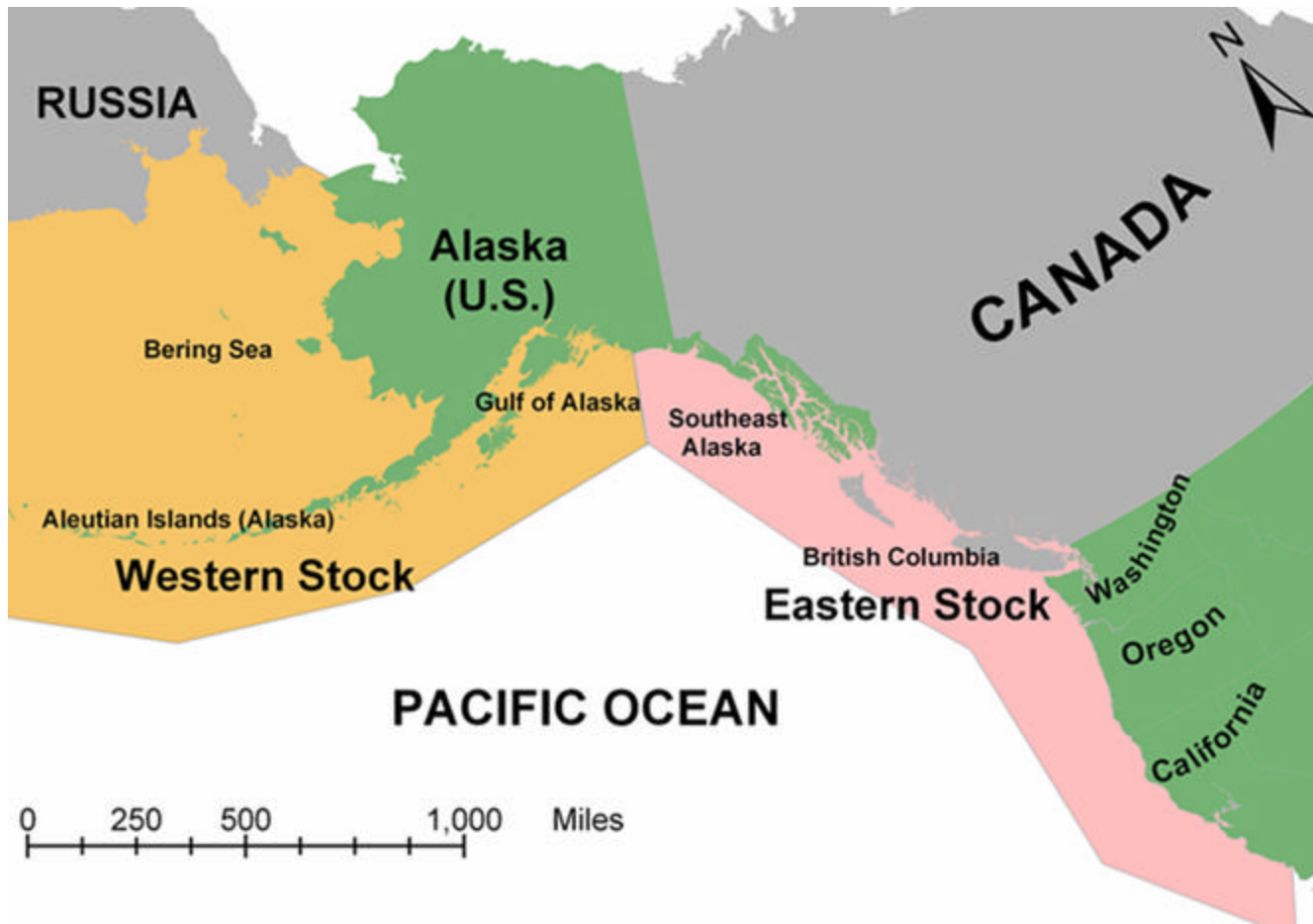
Q5 Before today, had you ever seen, heard, or read about Steller sea lions? *Circle the number of the best answer.*

- 1 Yes
- 2 No
- 9 Don't know

The Western and Eastern Stocks of Steller Sea Lions

Scientists divide the Steller sea lion species into two groups, called “stocks”. These stocks have genetic differences, live in different areas, and rarely mix. The map below shows the areas where each stock lives.

- Western stock:** From the Gulf of Alaska to the Aleutian Islands of Alaska
- Eastern stock:** From California to Southeast Alaska

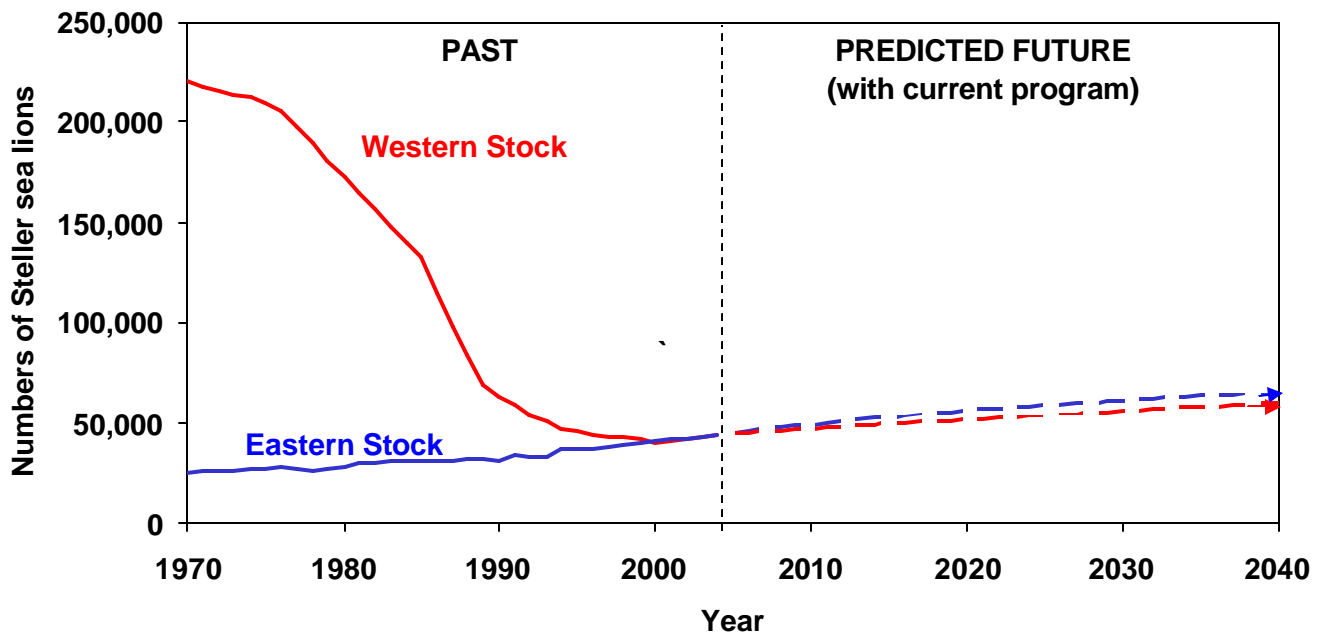


Most Steller sea lions live in U.S. waters, where activities like hunting and fishing are subject to U.S. laws. Russia and Canada also protect Steller sea lions with laws similar to those in the U.S.

Q6 Have you ever lived in or visited coastal areas of Alaska where the Western stock lives?
Circle the number of the best answer.

- 1 Yes
- 2 No

The figure below shows the past population of Steller sea lions from 1970 to 2004. The figure also shows the predicted future population if recent trends continue.



Over the past 16 years, the federal government has taken actions to protect Steller sea lions, such as banning shootings of Steller sea lions and starting restrictions on commercial fishing.

With these actions and given past population trends :

- The Western stock currently is listed as endangered. The overall population appears to have stabilized in recent years and is expected to slightly increase and be re-listed as a threatened species in the next 30 years.
- The Eastern stock currently is listed as threatened. The population is slowly increasing in most areas. The Eastern stock is expected to be no longer threatened in the next 10 years.

Q7 After looking at the information on this page, how concerned are you, if at all, about the Western and Eastern stocks of Steller sea lions? Mark the box of your response.

	Not at all concerned	A little concerned	Somewhat concerned	Very concerned	Extremely concerned
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Western stock.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Eastern stock.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

Steller Sea Lions and Commercial Fishing

A threat to the Western stock of Steller sea lions is commercial fishing catching the same fish that Steller sea lions eat.

- Few people know that in the last 30 years there has been a large increase in commercial fishing where the Western stock lives. Now, nearly half of all U.S. commercial fish are caught in these waters.
- Commercial fishing is not considered a major problem where the Eastern stock lives.

The federal government has started restricting commercial fishing in areas where the Western stock of Steller sea lions lives so that more fish are available for them to eat.

- The current program of fishing restrictions limits where and how often boats can fish and the amount and type of fish they can catch.
- With the current program, scientists believe the Western stock will be re-listed to threatened in 30 years, and in 60 years will still be threatened with a population of about 60,000.

Q8 Commercial fishing restrictions to help Steller sea lions have made fishing more costly. The result has been some loss of jobs and income to commercial fishermen (estimated to be 5% or less so far). This has also led to higher fish prices.

How concerned are you, if at all, about each of the following? Mark the box of your response.

	Not at all concerned ▼	A little concerned ▼	Somewhat concerned ▼	Very concerned ▼	Extremely concerned ▼
Lost commercial fishing jobs due to Steller sea lion protection.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
Higher prices for fish you buy due to Steller sea lion protection.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

New Steller Sea Lion Protection Actions

To help the Western stock of Steller sea lions recover, the federal government is considering other protection actions that may include new fishing restrictions, more enforcement of the fishing restrictions, and more monitoring of Steller sea lions.

- “Recover” means the population increases enough so that it can be removed from the list of threatened and endangered species.
- Some of the Eastern stock may also be helped by these protection actions.
- But, scientists believe the actions being considered will have little impact (good or bad) on other species.

Doing more to protect the Western stock of Steller sea lions will cost every U.S. household more money.

- Your household’s costs increase through higher prices for fish and fish products you buy and through increases in your federal taxes.
- Most of the increased cost will occur in the first 20 years while commercial fishing adjusts to more restrictions, and to fund more government enforcement and monitoring.

Q9 How much do you agree or disagree with the following statements? *Mark the box of your response for each statement.*

	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
Even if it costs us more money, we should do more so that the Western stock recovers.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
So long as the Eastern stock recovers, it doesn’t matter to me if the Western stock recovers.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

What Alternatives Do You Prefer?

As we have discussed, new alternatives are being considered to protect Steller sea lions. Your opinions are important to help understand what alternatives the public prefers.

The next questions compare the expected results after 60 years under alternative programs of fishing restrictions and government enforcement and monitoring. In each question:

- Alternative A presents the expected results after 60 years under the current program. Continuing the current program would not increase the costs to your household.
- Alternatives B and C present the expected results after 60 years under two of the many possible alternatives that do more and cost more to protect Steller sea lions.
 - The added cost to your household each year for 20 years above the cost of the current program is also listed.
 - Remember, if you spend money for this, it won't be available to buy other things.

Since scientists are still working on the alternatives and the costs, we are asking you several questions (Q10, Q12, Q13) that cover a range of possible alternatives, their results, and costs.

Q10 Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

	Results in 60 years for each alternative		
	Alternative A Current program	Alternative B	Alternative C
Western Stock			
Population status..... (Endangered now)	Threatened	Threatened	Recovered
Population size..... (45,000 now)	60,000	75,000	90,000
Eastern Stock			
Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	80,000
Added cost to your household each year for 20 years.....	\$0	\$30	\$50

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q11 Please write a comment that helps us understand your responses in Q10.

Q12 Here again is the current program and two other alternatives. Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

Results in 60 years for each alternative			
	Alternative A Current program	Alternative B	Alternative C
Western Stock			
Population status..... (Endangered now)	Threatened	Threatened	Threatened
Population size..... (45,000 now)	60,000	60,000	75,000
Eastern Stock			
Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	60,000
Added cost to your household each year for 20 years.....	\$0	\$15	\$10

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most?</u> <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least?</u> <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q13 Below the table, indicate which of these three alternatives you most prefer, and which you least prefer.

Results in 60 years for each alternative			
	Alternative A Current program	Alternative B	Alternative C
Western Stock			
Population status..... (Endangered now)	Threatened	Recovered	Recovered
Population size..... (45,000 now)	60,000	120,000	90,000
Eastern Stock			
Population status..... (Threatened now)	Recovered	Recovered	Recovered
Population size..... (45,000 now)	60,000	80,000	80,000
Added cost to your household each year for 20 years.....	\$0	\$90	\$50

	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>
Which alternative do you <u>prefer the most</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which alternative do you <u>prefer the least</u>? <i>Check one box-----></i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q14 The following are statements some people tell us about their answers to Q10, Q12, and Q13. How much do you agree or disagree with each of the following statements? Mark the box of your response for each statement.

	Strongly disagree ▼	Somewhat disagree ▼	Neither agree nor disagree ▼	Somewhat agree ▼	Strongly agree ▼
I did not feel it was my responsibility to pay for the protection of Steller sea lions...	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
There was not enough information for me to make an informed choice between the alternatives.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
The added costs I was willing to pay were just to protect Steller sea lions, and not to protect other species.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
I was concerned that the federal government will not effectively protect Steller sea lions.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>
I should not have to pay more federal taxes for any reason.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

Q15 These questions were asked to obtain public input for decision makers to consider along with information from scientists and planners. People feel differently about how confident they are with their selection of alternatives and the costs they would have to pay.

How confident are you that your answers in Q10, Q12, and Q13 accurately reflect how you feel about the alternatives for protecting Steller sea lions? Check the best answer.

Not at all confident	Slightly confident	Somewhat confident	Very confident	Extremely confident
1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>

About You and Your Household

This information is used to compare our survey respondents with the U.S. population. Your responses will be kept confidential and separate from your name and address. Material identifying you will be destroyed at the end of the study.

H1 Are you male or female? 1 Male 2 Female

H2 In what year were you born? 19_____

H3 How many people do you live with in each of the following age groups?

If none for a category please write "0".

_____ Under 18 _____ 18 to 35 _____ 36 to 60 _____ Over 60

H4 Which of the following best describes your employment status? *Circle the number of the best answer.*

- | | | | |
|---|--------------------|---|--------------------------------------|
| 1 | Employed full-time | 5 | Retired |
| 2 | Employed part-time | 6 | Currently unemployed |
| 3 | Homemaker | 7 | Other (<i>please specify</i>)_____ |
| 4 | Student | | |

H5 Have you or a family member been employed in the commercial fishing industry? *Circle the number of the best answer.*

- 1 Yes
- 2 No
- 9 Don't know

H6 What is the highest grade or level of school you have completed? *Circle the number of the best answer.*

- 1 Some high school or less
- 2 High school diploma or equivalent
- 3 Some college
- 4 Two year college degree (AA, AS) or technical school
- 5 Four year college graduate (BA, BS)
- 6 Some graduate work but did not receive a graduate degree
- 7 Graduate degree (MA, MS, MBA, PhD, JD, MD, etc.)

H7 Do you own or rent your residence? *Circle the number of your answer.*

- 1 Own
- 2 Rent

(Please continue to the next page)

H8 How many listed telephone numbers does your household have?

_____ listed telephone numbers

H9 Are you Hispanic or Latino? *Circle the number of the best answer.*

- 1 Yes
- 2 No

H10 Which of the following best describes you? *Circle one or more.*

- 1 Asian
- 2 American Indian or Alaska Native
- 3 Black or African American
- 4 Native Hawaiian or Other Pacific Islander
- 5 White

H11 What was your household income (before taxes) in 2006? *Circle one number.*

- 1 Less than \$10,000
- 2 \$10,000 to \$19,999
- 3 \$20,000 to \$29,999
- 4 \$30,000 to \$39,999
- 5 \$40,000 to \$49,999
- 6 \$50,000 to \$59,999
- 7 \$60,000 to \$79,999
- 8 \$80,000 to \$99,999
- 9 \$100,000 to \$124,999
- 10 \$125,000 to \$149,999
- 11 \$150,000 to \$200,000
- 12 \$200,000 or more

Is there anything we overlooked?

Please use the space below to provide us with any other comments you would like to make.

YOUR PARTICIPATION IS GREATLY APPRECIATED!

ATTACHMENT 4

Draft Telephone Follow-Up

[IF OBVIOUS YOUTH – Ask to speak with an adult]

Hello, my name is _____ and I am calling from PA Consulting in [City, State] on behalf of the National Oceanic and Atmospheric Administration. I am trying to reach [name on address].

[IF RESPONDENT IS NOT AVAILABLE] → Is there another adult of the household that I could speak to?

[IF NOT AVAILABLE] → Thank you, I will call back later. When would be a good time to reach [name, or another adult head of household]?

[IF QUALIFIED RESPONDENT IS ON THE PHONE]

QA Recently, we mailed you a questionnaire asking your opinions about the future of Steller sea lions in Alaska and \$X as a token of our appreciation for completing the survey. The survey had a picture of Steller sea lions on the cover and some color graphics inside. Do you remember receiving that questionnaire?

- 1 YES
- 2 NO [*SKIP TO QA2*]

QA1 As of today, we have not received your completed questionnaire. Your household is part of a small group of people we are asking for opinions, so your response is very important. If we send you another survey, could you find the time to complete the survey and return it to us within a week of receiving it?

- 1 YES – SEND NEW SURVEY [*SKIP TO VERIFY*]
- 2 YES – DO NOT NEED ANOTHER SURVEY [*THANK YOU. SKIP TO CONTINUE*]
- 3 SURVEY HAS ALREADY BEEN RETURNED [*THANK YOU, SKIP TO CONTINUE*]
- 4 NO [*SKIP TO QB*]

QA2 We are collecting public opinions for the federal government to consider when developing action plans for threatened and endangered species in Alaska. Your household is part of a small group of people we are asking for opinions, so your response is very important. If we send you another survey, could you return the survey to us within a week after you receive it?

- 1 YES – SEND NEW SURVEY [*SKIP TO VERIFY*]
- 2 YES – DO NOT NEED ANOTHER SURVEY [*SKIP TO CONTINUE*]
- 3 NO [*SKIP TO QA3*]

QA3 Since we are only contacting a small number of households, it is very important that we hear from your household. Your opinions will represent those of other households similar to you. The survey does not require any special knowledge. Is there another adult head of household that would be interested in completing the survey?

- 1 YES, GETTING THEM TO THE PHONE *[REPEAT QA2]*
- 2 YES, BUT NOT AVAILABLE AT THIS TIME *[SET CALLBACK]*
- 3 NO *[SKIP TO QB]*

QB It is very important for our analysis that we understand how those who haven't returned the survey compare to those who did. This way we will not misinterpret the results. Could I take about 4 minutes to ask you a few questions that will help us with our work? I'd like to remind you that all of your answers are kept separate from information about you, like your name. Moreover, only your responses will be provided to the researchers for analysis.

- 1 YES *[SKIP TO Q1]*
- 2 NO *[ASK FOR A MORE CONVENIENT TIME, OTHERWISE, THANK AND TERMINATE]*

VERIFY (If new survey needs to be sent)

I would like to verify some information that I have. I have your name as...

NAME _____
STREET ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE _____

Thank you, I will send another questionnaire out today.

CONTINUE (If they indicate survey has been or will be returned)

Receiving your completed questionnaire will be very helpful. Could I take 3 minutes to ask you 4 questions to help us with our preliminary results until we receive your completed questionnaire?

- 1 NO, or NOT NOW → OK. We look forward to receiving your completed questionnaire. *[SKIP TO TERMINATE].*
- 2 YES → *[CONTINUE WITH EVALUATE]*

EVALUATE

Q1 This next question is about your overall opinion of the Endangered Species Act. Currently there are 74 mammals, 92 birds, 115 fish, 236 other species such as reptiles and insects, and 746 plants protected under the Endangered Species Act. When you think of the Endangered Species Act, how positive or negative is your general reaction? Is it... (Read answer options)

- 1 Mostly positive
- 2 Somewhat positive
- 3 Neutral
- 4 Somewhat negative
- 5 Mostly negative
- 9 [DON'T READ – BUT CODE IF STATED] Don't know

Q2 We are faced with many problems in this country, none of which can be solved easily or inexpensively. I am going to read you a list of 8 of these problems. For each one, please indicate if you think we are spending too much money on it, about the right amount, or too little money on it.

	We are spending:		
	too much	about the right amount	too little
	▼	▼	▼
Space exploration.	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
The environment	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Health	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Assistance to big cities	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Law enforcement	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Drug rehabilitation	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Education	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Endangered species	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

[RETURNING SURVEY] → I have just 2 quick questions about you and your household to help us group your responses with others.

[NOT RETURNING SURVEY] → I have just 3 quick questions about you and your household to help us group your responses with others.

Q3 In what year were you born? 19_____

Refused

Q4 [SKIP Q4 IF THEY INDICATE THEY ARE RETURNING THE SURVEY] Which of the following best describes the highest level of education you have completed?

- 1 8 years or less of school
- 2 9 to 12 years of school (high school)
- 3 Some college or technical school
- 4 Completed technical school or an associates degree program
- 5 Completed four year college degree
- 6 Some or completed graduate school work
- 9 REFUSED

Q5 Into which of the following groups does your total annual household income fall before taxes?

- 1 Under \$30,000
- 2 \$30,000 - \$49,999
- 3 \$50,000 - \$79,999
- 4 \$80,000 and over

[IF RETURNING SURVEY] → Thank you, this will help with our preliminary analysis. Receiving your completed questionnaire will greatly help to have an accurate understanding of public opinion about government actions to protect Steller sea lions.

[IF NOT RETURNING QUESTIONNAIRE] → That's all the questions I have for you. Do you have any comments that you would like to add? Thank you for your time. We really appreciate your participation in this brief survey. Thanks again, and have a good evening.

TERMINATE

[TO BE COMPLETED BY INTERVIEWER]

Respondent gender: MALE
FEMALE

LANG Language or other barrier:

- 1 YES, POSSIBLE LANGUAGE BARRIER
- 2 YES, DEFINITE LANGUAGE BARRIER
- 3 NO LANGUAGE, BUT OTHER TYPE OF BARRIER [SPECIFY]
- 4 NO BARRIERS

DID THE RESPONDENT INDICATE ANY OF THE FOLLOWING?

- | | | |
|---|----|-----|
| A I don't care about Steller sea lions or T&E species | NO | YES |
| B I don't know about Steller sea lions, T&E species, etc. | NO | YES |

OTHER RESPONDENT COMMENTS

QUESTIONS/COMMENTS AND ANSWERS

[If concerned about purpose of the call] This is not a marketing or sales call. We are collecting public input for government, industry, and citizen groups to consider when developing action plans for threatened and endangered species in Alaska. I want to assure you that your answers will be kept separate from information about you, like your name. Only your responses will be provided to researcher for analysis.

[If asking about the study sponsor] This survey is sponsored by the National Oceanic and Atmospheric Administration, a U.S. government agency charged with making decisions about threatened and endangered marine mammals.

[Response to: "Why did you send money with the survey?"] The survey is very important and we find we can get more citizen input for less money by including a small token of our appreciation with the survey. More people return the survey faster, so we don't have to contact as many households, or contact you as often, to get an accurate sample of the public's input.

[I don't know anything about Steller Sea Lions]. The survey does not require to you have any special knowledge, we just ask that you consider each question and respond with your own opinion.

[I don't care about Steller sea lions]. It is important that we hear that on the survey. If we only receive surveys from people who care a lot, that would result in biased results about what public opinion really is.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 051017269-6002-02; I.D. 100705C]

RIN 0648-AT54

Fisheries of the Exclusive Economic Zone Off Alaska; Cape Sarichef Research Restriction Area Opening for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to open the Cape Sarichef Research Restriction Area in the Bering Sea and Aleutian Islands Management Area (BSAI) to directed fishing for groundfish using trawl, pot, and hook-and-line gear from March 15, 2006, through March 31, 2006. Because NMFS' Alaska Fisheries Science Center (AFSC) will not conduct research in this area in 2006, closure of the Cape Sarichef Research Restriction Area is not needed. This action is intended to relieve an unnecessary restriction on groundfish fisheries and allow the optimum utilization of fishery resources, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This final rule also will remove the regulations for the Cape Sarichef Research Restriction Area, and regulations for the Chiniak Gully Research Area because both research projects have ended.

DATES: Effective February 10, 2006.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for the original action closing the area, and dated November 2002, and the Categorical Exclusion and the RIR prepared for this action, are available from: NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Durall; NMFS, Alaska Region, 709 West 9th Street, Room 420A, Juneau, AK; or the NMFS Alaska Region website at www.fakr.noaa.gov.

FOR FURTHER INFORMATION CONTACT: Becky Carls, 907-586-7228 or becky.carls@noaa.gov.

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the exclusive

economic zone of the BSAI and Gulf of Alaska (GOA) are managed by NMFS under the Fishery Management Plans (FMPs) for Groundfish of the BSAI and Groundfish of the GOA. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679.

Background and Need for Action

The background and need for this action were described in the preamble to the proposed rule published in the **Federal Register** on October 26, 2005 (70 FR 61775). In summary, the final year of a research project in the waters off Cape Sarichef will not be conducted in 2006. Thus, the closure of the study area specified in § 679.22(a)(11) for March 15-31, 2006, will not be needed. Maintaining the closure would unnecessarily restrict the groundfish fisheries because no research will be conducted in this area in 2006. Removing the 2006 trawl, pot, and hook-and-line gear closure will allow vessels participating in groundfish fisheries to harvest their total allowable catch amounts without the operational constraints imposed by the closure.

In addition, this regulatory amendment includes a housekeeping measure that removes regulations for the Chiniak Gully Research Area off Kodiak Island, which were applicable through December 31, 2004.

Regulatory Amendments

In § 679.22, paragraphs (a)(11) and (b)(3) are removed. Also removed is Figure 21 to part 679, which shows the Cape Sarichef Research Restriction Area.

Response to Comments

The proposed rule for this action was published in the **Federal Register** on October 26, 2005 (70 FR 61775). NMFS received two letters of comment that contained four separate comments. The comments are summarized and responded to below.

Comment 1: This research area should not be opened to more overfishing.

Response: This action opens an area to fishing which otherwise would be closed only two weeks in 2006 and does not change the amount of fish authorized to be harvested. Currently, no Alaska groundfish species are considered by NMFS to be overfished, and overfishing is not occurring.

Comment 2: Birds are being killed by hook-and-line fishing.

Response: Hook-and-line fishing would be allowed in this area, but this

action would not change the total amount of fishing activity with hook-and-line gear. Hook-and-line fishing must be done in compliance with seabird avoidance regulations at 50 CFR 679.24(e) to reduce the incidental take of seabirds.

Comment 3: NOAA must stop commercial fish profiteers from overfishing. Overfishing causes the death of all marine life that needs fish to survive, which is an assault on the environment.

Response: This action does not change the amount of fish that may be harvested. None of the Alaska groundfish stocks are overfished or experiencing overfishing. The groundfish fisheries off Alaska are managed using science-based conservation and management practices. NMFS limits the amount of fish that may be harvested in the groundfish fisheries off Alaska by setting annual catch limits based on the best scientific information available about each specific managed stock. In the course of considering catch limits and regulatory changes, NMFS and the Council consider a broad range of alternatives to address biological, environmental, and economic concerns. This process also includes an examination of the potential impacts of alternatives on other marine resources and the environment. This action would result in insignificant impacts on other marine animals as described in the EA/RIR/IRFA prepared for the original action and dated November 2002 (see **ADDRESSES**).

Comment 4: Thank you. With all the other closed areas we have today, it's nice to have some areas back. Every little bit will help with our rising fuel costs.

Response: NMFS notes this support.

Changes From the Proposed Rule

No changes are made in this final rule from the proposed rule.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: January 6, 2006.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1540(f); 1801 *et seq.*; 1851 note; 3631 *et seq.*

§ 679.22 [Amended]

■ 2. In § 679.22, remove and reserve paragraphs (a)(11) and (b)(3).

PART 679—[AMENDED]

■ 3. In part 679, remove and reserve Figure 21 to Part 679—Cape Sarichef Research Restriction Area (Applicable through March 31, 2006).

[FR Doc. 06–245 Filed 1–10–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 040907255-4343-02; I.D. 082704E]

RIN 0648-AS41

Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Steller Sea Lion Protection Measures for the Pollock and Pacific Cod Fisheries in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS publishes a final rule that revises Steller sea lion protection measures for the pollock and Pacific cod fisheries in the Gulf of Alaska (GOA). The revisions adjust Pacific cod and pollock fishing closure areas near four Steller sea lion haulouts and modify the seasonal management of pollock harvest in the GOA. The intent of the revisions is to maintain protection for Steller sea lions and their critical habitat while easing the economic burden on GOA fishing communities. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP), and other applicable laws.

DATES: Effective January 19, 2005.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for the rule and copies of the 2000 and 2001 Biological Opinions, and the June 19, 2003 supplement to the 2001 Biological Opinion, on the effects of the groundfish fisheries on Steller sea lions may be obtained from NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Durall, or from the NMFS Alaska Region website at www.fakr.noaa.gov.

FOR FURTHER INFORMATION CONTACT: Melanie Brown, 907-586-7228 or melanie.brown@noaa.gov.

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the Exclusive Economic Zone of the GOA are managed under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801, *et seq.* Regulations implementing

the FMP appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

Background

The western distinct population segment (DPS) of Steller sea lions has been listed as endangered under the Endangered Species Act (ESA), and critical habitat has been designated for this DPS (50 CFR 226.202). Temporal and spatial harvest restrictions were established for the groundfish fisheries of Alaska (68 FR 204, January 2, 2003) to protect Steller sea lions from jeopardy of extinction and their critical habitat from adverse modification or destruction from the effects of these fisheries. Pollock and Pacific cod are important prey species for Steller sea lions, and these protection measures apply to the pollock and Pacific cod fisheries in the GOA.

In June 2004, the Council unanimously recommended revisions to the Steller sea lion protection measures in the GOA to alleviate some of the economic burden on coastal communities while maintaining protection for Steller sea lions and their critical habitat. These revisions adjust pollock and Pacific cod fishing closures near four Steller sea lion haulouts and revise seasonal management of pollock harvest. NMFS concluded that fishing under the proposed revisions is not likely to affect Steller sea lions or their critical habitat beyond those effects already considered in the 2000 FMP Biological Opinion (BiOp), the 2001 BiOp on the Steller sea lion protection measures, and the June 19, 2003 supplement to the 2001 BiOp (see **ADDRESSES**). NMFS has determined that this action could provide some economic relief to participants in the pollock and Pacific cod fisheries while maintaining protection for Steller sea lions and their critical habitat.

The proposed rule for this action was published in the **Federal Register** on September 21, 2004 (69 FR 56384) with a comment period ending October 21, 2004. The details of each regulatory revision are contained in the proposed rule for this action. No changes were made from the proposed rule in the final rule.

Comments and Responses

Three emails and two letters containing seven separate comments were received regarding the proposed rule. The comments are summarized and responded to below.

Comment 1: The commercial fishers are taking all of the fish so the Steller sea lions have nothing to eat. The

commercial fishers should be thrown out of the GOA.

Response: Several species of groundfish, notably pollock and Pacific cod, are important prey species for Steller sea lions in the GOA and are also targeted by the GOA groundfish fisheries. The pollock and Pacific cod fisheries potentially compete with Steller sea lions by reducing the availability of prey for foraging sea lions. However, this potential competition between commercial fishers and Steller sea lions for pollock and Pacific cod is addressed by regulations that limit the total amount of catch and impose temporal and spatial controls on harvest. These Steller sea lion protection measures are designed to preserve prey abundance and availability for foraging sea lions.

Comment 2: The fishers are catching double what they are reporting, and no one checks that what they have on board is what they are reporting. When checked, the amount of fish on board is usually double what they have reported. Vessels should be seized, and the captain and crew should be jailed for a year for abusing the sacred trust to responsibly harvest groundfish.

Response: NMFS disagrees with the commentator's assertion that groundfish fishers systematically under-report their catch. The recordkeeping and reporting requirements in these fisheries are comprehensive, and NMFS and United States Coast Guard law enforcement officers conduct numerous vessel boardings each year. Reporting violations occur, but they are relatively rare and are prosecuted pursuant to the Magnuson-Stevens Act.

Comment 3: Quotas should be cut by 50 percent the first year and 10 percent each year after. Overfishing is occurring. Marine sanctuaries should be established.

Response: This action revises certain Steller sea lion protection measures in the GOA, but does not specify groundfish harvest levels. The specification of harvest levels is done by separate rulemaking during the harvest specifications process. NMFS encourages the commentator to submit comments on the proposed 2005 and 2006 fishery specifications when they are published in the **Federal Register** for public comment. However, NMFS disagrees with the commentator's assertion that overfishing is occurring in the groundfish fisheries. NMFS manages these fisheries on a sustainable basis and notes that none of the groundfish stocks off Alaska is overfished. Additionally, this action does not address the creation of marine sanctuaries. The January 2004 draft

environmental impact statement for essential fish habitat discusses the effects of fishing on sensitive habitat features and evaluates a range of options for minimizing adverse effects, such as closing areas of rockfish habitat to bottom trawling. Further information on this draft EIS may be found at the NMFS Alaska Region website at www.fakr.noaa.gov.

Comment 4: The Pew Foundation reports on overfishing and regional fishery management council bias and the United Nations report on overfishing are incorporated into the comments from this commentor.

Response: This action raises no issues related to overfishing or the membership of regional fishery management councils. The commentor's specific concerns and their relationship to these reports are not presented by the commentor. Because no further details are provided by the commentor, NMFS is unable to respond further to this comment.

Comment 5: The Council's decision to reduce Steller sea lion protection measures is an outrage. The protection measures were made years ago solely for the protection of Steller sea lions. To make changes now for the benefit of the fishing fleet is an outrage because the Steller sea lions are still listed as endangered. Policy was made and should be followed and not changed for the industry's benefit.

Response: NMFS disagrees with the commentor's assertion that this action fails to protect Steller sea lions and their critical habitat. The Steller sea lion protection measures were expected to be periodically reviewed and potentially changed based on new information regarding Steller sea lions and the fishing industry. NMFS has worked with the Council to identify impacts on the industry and new information that may lead to adapting the protection measures to ensure efficient and safe groundfish harvest while protecting Steller sea lions and their critical habitat. NMFS has determined that by revising the Pacific cod and pollock closure areas and improving the seasonal management of pollock with this final rule, the protection measures continue to protect Steller sea lions and their critical habitat from the potential effects of the pollock and Pacific cod fisheries.

Comment 6: Revisions to ESA protection measures should come from sound, scientific, factual evidence. The basis of any revisions should not be on "informal consultations," on findings of "not likely to adversely affect," or on "could provide economic relief." NMFS

should reconsider all of the proposed changes.

Response: NMFS agrees that agency decisions should be based on the best available scientific information. NMFS has used the best available scientific information in the development of this action and has reasonably determined that the revised measures adequately protect Steller sea lions and their critical habitat. Unfortunately, the best available scientific information frequently does not provide unequivocal answers regarding the effects of fisheries on the environment. NMFS has no additional information to justify reconsidering this action.

Comment 7: We support the proposed action. Revising the Steller sea lion protection measures will alleviate some economic burden on GOA communities and maintain protection for Steller sea lions. We hope the changes may be made in time for the 2005 fishing year.

Response: NMFS acknowledges the commentors' interest in alleviating economic burdens on GOA communities while maintaining protection for Steller sea lions and has strived to implement this final rule by early 2005.

Classification

This rule has been determined to be not significant for the purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none prepared.

Small Entity Compliance Guide

This action revises 50 CFR part 679 which describes the Steller sea lion protection measures for the Alaska groundfish fisheries. This action requires small entities in the pollock and Pacific cod fisheries to comply with the amended closure areas near four Steller sea lion haulouts. To facilitate compliance with all of the Steller sea lion protection area restrictions, NMFS provides a series of maps showing the closure areas and links to the regulations that may be viewed and downloaded at <http://www.fakr.noaa.gov/sustainablefisheries/2003hrvstspecsl.htm>.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: December 13, 2004.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*; 16 U.S.C. 1540(f); Pub. L. 105–277, Title II of Division C; Pub. L. 106–31, Sec. 3027; Pub. L. 106–554, Sec. 209; and Pub. L. 108–199, Sec. 803.

■ 2. In § 679.20, paragraph (a)(5)(iii)(B) is revised to read as follows:

§ 679.20 General limitations.

* * * * *

- (a) * * *
- (5) * * *
- (iii) * * *

(B) *GOA Western and Central Regulatory Areas seasonal apportionments.* Each apportionment established under paragraph (a)(5)(iii)(A) of this section will be divided into four seasonal apportionments corresponding to the four fishing seasons set out at § 679.23(d)(2) as follows: A Season, 25 percent; B Season, 25 percent; C Season, 25 percent; and D Season, 25 percent. Within any fishing year, underharvest or overharvest of a seasonal apportionment may be added to or subtracted from remaining seasonal apportionments in a manner to be determined by the Regional Administrator, provided that any revised seasonal apportionment does not exceed 20 percent of the seasonal TAC apportionment for the statistical area. The reapportionment of underharvest will be applied to the subsequent season within the same statistical area up to the 20 percent limit specified in this paragraph. Any underharvest remaining beyond the 20 percent limit may be further apportioned to the subsequent season in the other statistical areas, in proportion to estimated biomass and in an amount no more than 20 percent of the seasonal TAC apportionment for the statistical area.

* * * * *

■ 3. In § 679.23, paragraphs (d)(2)(i) and (d)(2)(iii) are revised to read as follows:

§ 679.23 Seasons.

* * * * *

- (d) * * *
- (2) * * *

(i) *A season.* From 1200 hours, A.l.t.,
January 20 through 1200 hours, A.l.t.,
March 10;

(iii) *C season.* From 1200 hours, A.l.t.,
August 25 through 1200 hours, A.l.t.,
October 1; and

■ 4. Tables 4 and 5 to part 679 are revised
to read as follows:

* * * * *

* * * * *

TABLE 4 TO 50 CFR PART 679 STELLER SEA LION PROTECTION AREAS POLLOCK FISHERIES RESTRICTIONS

Column Number 1	2	3	4	5	6	7
Site Name	Area or Sub-area	Boundaries from Latitude	Boundaries from Longitude	Boundaries to ¹ Latitude	Boundaries to ¹ Longitude	Pollock No-fishing Zones for Trawl Gear ^{2,8} (nm)
St. Lawrence I./S Punuk I.	Bering Sea	63 04.00 N	168 51.00 W			20
St. Lawrence I./SW Cape Hall I.	Bering Sea	63 18.00 N	171 26.00 W			20
St. Paul I./Sea Lion Rock	Bering Sea	60 37.00 N	173 00.00 W			20
St. Paul I./NE Pt.	Bering Sea	57 06.00 N	170 17.50 W			3
Walrus I. (Pribilofs)	Bering Sea	57 15.00 N	170 06.50 W			3
St. George I./Dalnoi Pt.	Bering Sea	57 11.00 N	169 56.00 W			10
St. George I./S Rookery	Bering Sea	56 36.00 N	169 46.00 W			3
Cape Newenham	Bering Sea	56 33.50 N	169 40.00 W			3
Round (Walrus Islands)	Bering Sea	58 39.00 N	162 10.50 W			20
Attu I./Cape Wrangell	Bering Sea	58 36.00 N	159 58.00 W			20
Agattu I./Gillon Pt.	Aleutian I.	52 54.60 N	172 27.90 E	52 55.40 N	172 27.20 E	20
Attu I./Chirikof Pt.	Aleutian I.	52 24.13 N	173 21.31 E			20
Agattu I./Cape Sabak	Aleutian I.	52 49.75 N	173 26.00 E			20
Alaid I.	Aleutian I.	52 22.50 N	173 43.30 E	52 21.80 N	173 41.40 E	20
Shemya I.	Aleutian I.	52 46.50 N	173 51.50 E	52 45.00 N	173 56.50 E	20
Buldir I.	Aleutian I.	52 44.00 N	174 08.70 E			20
Kiska I./Cape St. Stephen	Aleutian I.	52 20.25 N	175 54.03 E	52 20.38 N	175 53.85 E	20
Kiska I./Sobaka & Vega	Aleutian I.	51 52.50 N	177 12.70 E	51 53.50 N	177 12.00 E	20
Kiska I./Lief Cove	Aleutian I.	51 49.50 N	177 19.00 E	51 48.50 N	177 20.50 E	20
Kiska I./Sirius Pt.	Aleutian I.	51 57.16 N	177 20.41 E	51 57.24 N	177 20.53 E	20
Tanadak I. (Kiska)	Aleutian I.	52 08.50 N	177 36.50 E			20
Segula I.	Aleutian I.	51 56.80 N	177 46.80 E			20
Ayugadak Point	Aleutian I.	51 59.90 N	178 05.80 E	52 03.06 N	178 08.80 E	20
Rat I./Krysi Pt.	Aleutian I.	51 45.36 N	178 24.30 E			20
Little Sitkin I.	Aleutian I.	51 49.98 N	178 12.35 E			20
Amchitka I./Column Rocks	Aleutian I.	51 51.30 N	178 29.80 E			20
Amchitka I./East Cape	Aleutian I.	51 32.32 N	178 49.28 E			20
Amchitka I./Cape Ivakin	Aleutian I.	51 22.26 N	179 27.93 E	51 22.00 N	179 27.00 E	20
Semisopchnoi/Petrel Pt.	Aleutian I.	51 24.46 N	179 24.21 E			20
Semisopchnoi I./Pochnoi Pt.	Aleutian I.	52 01.40 N	179 36.90 E	52 01.50 N	179 39.00 E	20
Amatignak I. Nitrof Pt.	Aleutian I.	51 57.30 N	179 46.00 E			20
Unalga & Dinkum Rocks	Aleutian I.	51 13.00 N	179 07.80 W			20
Ulak I./Hasgox Pt.	Aleutian I.	51 33.67 N	179 04.25 W	51 35.09 N	179 03.66 W	20
Kavalga I.	Aleutian I.	51 18.90 N	178 58.90 W	51 18.70 N	178 59.60 W	20
Tag I.	Aleutian I.	51 34.50 N	178 51.73 W	51 34.50 N	178 49.50 W	20
Ugidak I.	Aleutian I.	51 33.50 N	178 34.50 W			20
Gramp Rock	Aleutian I.	51 34.95 N	178 30.45 W			20
Tanaga I./Bumpy Pt.	Aleutian I.	51 28.87 N	178 20.58 W			20
Bobrof I.	Aleutian I.	51 55.00 N	177 58.50 W	51 55.00 N	177 57.10 W	20
Kanaga I./Ship Rock	Aleutian I.	51 54.00 N	177 27.00 W			20
Kanaga I./North Cape	Aleutian I.	51 46.70 N	177 20.72 W			20
Adak I.	Aleutian I.	51 56.50 N	177 09.00 W			20
Little Tanaga Strait	Aleutian I.	51 35.50 N	176 57.10 W	51 37.40 N	176 59.60 W	20
Great Sitkin I.	Aleutian I.	51 49.09 N	176 13.90 W			20
Anagaksik I.	Aleutian I.	52 06.00 N	176 10.50 W	52 06.60 N	176 07.00 W	20
Kasatochi I.	Aleutian I.	51 50.86 N	175 53.00 W			20
Atka I./North Cape	Aleutian I.	52 11.11 N	175 31.00 W			20
Amlia I./Sviech. Harbor ¹¹	Aleutian I.	52 24.20 N	174 17.80 W			20
Sagigik I. ¹¹	Aleutian I.	52 01.80 N	173 23.90 W			20
Amlia I./East ¹¹	Aleutian I.	52 00.50 N	173 09.30 W			20
Tanadak I. (Amlia ¹¹)	Aleutian I.	52 05.70 N	172 59.00 W	52 05.75 N	172 57.50 W	20
Agligadak I. ¹¹	Aleutian I.	52 04.20 N	172 57.60 W			20
Seguam I./Saddleridge Pt. ¹¹	Aleutian I.	52 06.09 N	172 54.23 W			20
Seguam I./Finch Pt.	Aleutian I.	52 21.05 N	172 34.40 W	52 21.02 N	172 33.60 W	20
Seguam I./South Side	Aleutian I.	52 23.40 N	172 27.70 W	52 23.25 N	172 24.30 W	20
Amukta I. & Rocks	Aleutian I.	52 21.60 N	172 19.30 W	52 15.55 N	172 31.22 W	20
Chagulak I.	Aleutian I.	52 27.25 N	171 17.90 W			20
Yunaska I.	Aleutian I.	52 34.00 N	171 10.50 W			20
Uliaga ³	Bering Sea	52 41.40 N	170 36.35 W			20
Chuginadak	Bering Sea	53 04.00 N	169 47.00 W	53 05.00 N	169 46.00 W	20,10
Kagamii ³	Gulf of Alaska	52 46.70 N	169 41.90 W			20
Samalga	Bering Sea	53 02.10 N	169 41.00 W			20,10
	Gulf of Alaska	52 46.00 N	169 15.00 W			20

TABLE 4 TO 50 CFR PART 679 STELLER SEA LION PROTECTION AREAS POLLOCK FISHERIES RESTRICTIONS—Continued

Column Number 1	2	3	4	5	6	7
Site Name	Area or Sub-area	Boundaries from Latitude	Boundaries from Longitude	Boundaries to ¹ Latitude	Boundaries to ¹ Longitude	Pollock No-fishing Zones for Trawl Gear ^{2,8} (nm)
Adugak I. ³	Bering Sea	52 54.70 N	169 10.50 W			10
Umnak I./Cape Aslik ³	Bering Sea	53 25.00 N	168 24.50 W			BA
Ogchul I.	Gulf of Alaska	52 59.71 N	168 24.24 W			20
Bogoslof I./Fire I. ³	Bering Sea	53 55.69 N	168 02.05 W			BA
Polivnoi Rock	Gulf of Alaska	53 15.96 N	167 57.99 W			20
Emerald I.	Gulf of Alaska	53 17.50 N	167 51.50 W			20
Unalaska/Cape Izigan	Gulf of Alaska	53 13.64 N	167 39.37 W			20
Unalaska/Bishop Pt. ⁹	Bering Sea	53 58.40 N	166 57.50 W			10
Akutan I./Reef-lava ⁹	Bering Sea	54 08.10 N	166 06.19 W	54 09.10 N	166 05.50 W	10
Unalaska I./Cape Sedanka ⁶	Gulf of Alaska	53 50.50 N	166 05.00 W			20
Old Man Rocks ⁶	Gulf of Alaska	53 52.20 N	166 04.90 W			20
Akutan I./Cape Morgan ⁶	Gulf of Alaska	54 03.39 N	165 59.65 W	54 03.70 N	166 03.68 W	20
Akun I./Billings Head ⁹	Bering Sea	54 17.62 N	165 32.06 W	54 17.57 N	165 31.71 W	10
Rootok ⁶	Gulf of Alaska	54 03.90 N	165 31.90 W	54 02.90 N	165 29.50 W	20
Tanginak I. ⁶	Gulf of Alaska	54 12.00 N	165 19.40 W			20
Tigalda/Rocks NE ⁶	Gulf of Alaska	54 09.60 N	164 59.00 W	54 09.12 N	164 57.18 W	20
Unimak/Cape Sarichef ⁹	Bering Sea	54 34.30 N	164 56.80 W			10
Aiktak ⁶	Gulf of Alaska	54 10.99 N	164 51.15 W			20
Ugamak I. ⁶	Gulf of Alaska	54 13.50 N	164 47.50 W	54 12.80 N	164 47.50 W	20
Round (GOA) ⁶	Gulf of Alaska	54 12.05 N	164 46.60 W			20
Sea Lion Rock (Amak) ⁹	Bering Sea	55 27.82 N	163 12.10 W			10
Amak I. And rocks ⁹	Bering Sea	55 24.20 N	163 09.60 W	55 26.15 N	163 08.50 W	10
Bird I.	Gulf of Alaska	54 40.00 N	163 17.2 W			10
Caton I.	Gulf of Alaska	54 22.70 N	162 21.30 W			3
South Rocks	Gulf of Alaska	54 18.14 N	162 41.3 W			10
Clubbing Rocks (S)	Gulf of Alaska	54 41.98 N	162 26.7 W			10
Clubbing Rocks (N)	Gulf of Alaska	54 42.75 N	162 26.7 W			10
Pinnacle Rock	Gulf of Alaska	54 46.06 N	161 45.85 W			3
Sushilnoi Rocks	Gulf of Alaska	54 49.30 N	161 42.73 W			10
Olga Rocks	Gulf of Alaska	55 00.45 N	161 29.81 W	54 59.09 N	161 30.89 W	10
Jude I.	Gulf of Alaska	55 15.75 N	161 06.27 W			20
Sea Lion Rocks (Shumagins)	Gulf of Alaska	55 04.70 N	160 31.04 W			3
Nagai I./Mountain Pt.	Gulf of Alaska	54 54.20 N	160 15.40 W	54 56.00 N	160 15.00 W	3
The Whaleback	Gulf of Alaska	55 16.82 N	160 05.04 W			3
Chernabura I.	Gulf of Alaska	54 45.18 N	159 32.99 W	54 45.87 N	159 35.74 W	20
Castle Rock	Gulf of Alaska	55 16.47 N	159 29.77 W			3
Atkins I.	Gulf of Alaska	55 03.20 N	159 17.40 W			20
Spitz I.	Gulf of Alaska	55 46.60 N	158 53.90 W			3
Mitrofanina	Gulf of Alaska	55 50.20 N	158 41.90 W			3
Kak	Gulf of Alaska	56 17.30 N	157 50.10 W			20
Lighthouse Rocks	Gulf of Alaska	55 46.79 N	157 24.89 W			20
Sutwik I.	Gulf of Alaska	56 31.05 N	157 20.47 W	56 32.00 N	157 21.00 W	20
Chowiet I.	Gulf of Alaska	56 00.54 N	156 41.42 W	55 00.30 N	156 41.60 W	20
Nagai Rocks	Gulf of Alaska	55 49.80 N	155 47.50 W			20
Chirikof I.	Gulf of Alaska	55 46.50 N	155 39.50 W	55 46.44 N	155 43.46 W	20
Puale Bay ¹²	Gulf of Alaska	57 40.60 N	155 23.10 W			3,10
Kodiak/Cape Ikolik	Gulf of Alaska	57 17.20 N	154 47.50 W			3
Takli I.	Gulf of Alaska	58 01.75 N	154 31.25 W			10
Cape Kuliak	Gulf of Alaska	58 08.00 N	154 12.50 W			10
Cape Gull	Gulf of Alaska	58 11.50 N	154 09.60 W	58 12.50 N	154 10.50 W	10
Kodiak/Cape Ugat	Gulf of Alaska	57 52.41 N	153 50.97 W			10
Sitkinak/Cape Sitkinak	Gulf of Alaska	56 34.30 N	153 50.96 W			10
Shakun Rock	Gulf of Alaska	58 32.80 N	153 41.50 W			10
Twoheaded I.	Gulf of Alaska	56 54.50 N	153 32.75 W	56 53.90 N	153 33.74 W	10
Cape Douglas (Shaw I.) ¹²	Gulf of Alaska	59 00.00 N	153 22.50 W			20,10
Kodiak/Cape Barnabas	Gulf of Alaska	57 10.20 N	152 53.05 W			3
Kodiak/Gull Point ⁴	Gulf of Alaska	57 21.45 N	152 36.30 W			10,3
Latax Rocks	Gulf of Alaska	58 40.10 N	152 31.30 W			10
Ushagat I./SW	Gulf of Alaska	58 54.75 N	152 22.20 W			10
Ugak I. ⁴	Gulf of Alaska	57 23.60 N	152 17.50 W	57 21.90 N	152 17.40 W	10,3
Sea Otter I.	Gulf of Alaska	58 31.15 N	152 13.30 W			10
Long I.	Gulf of Alaska	57 46.82 N	152 12.90 W			10
Sud I.	Gulf of Alaska	58 54.00 N	152 12.50 W			10
Kodiak/Cape Chiniak	Gulf of Alaska	57 37.90 N	152 08.25 W			10
Sugarloaf I.	Gulf of Alaska	58 53.25 N	152 02.40 W			20
Sea Lion Rocks (Marmot)	Gulf of Alaska	58 20.53 N	151 48.83 W			10
Marmot I. ⁵	Gulf of Alaska	58 13.65 N	151 47.75 W	58 09.90 N	151 52.06 W	15,20
Nagahut Rocks	Gulf of Alaska	59 06.00 N	151 46.30 W			10

TABLE 4 TO 50 CFR PART 679 STELLER SEA LION PROTECTION AREAS POLLOCK FISHERIES RESTRICTIONS—Continued

Column Number 1	2	3	4	5	6	7
Site Name	Area or Sub-area	Boundaries from Latitude	Boundaries from Longitude	Boundaries to ¹ Latitude	Boundaries to ¹ Longitude	Pollock No-fishing Zones for Trawl Gear ^{2,8} (nm)
Perl	Gulf of Alaska	59 05.75 N	151 39.75 W			10
Gore Point	Gulf of Alaska	59 12.00 N	150 58.00 W			10
Outer (Pye) I.	Gulf of Alaska	59 20.50 N	150 23.00 W	59 21.00 N	150 24.50 W	20
Steep Point	Gulf of Alaska	59 29.05 N	150 15.40 W			10
Seal Rocks (Kenai)	Gulf of Alaska	59 31.20 N	149 37.50 W			10
Chiswell Islands	Gulf of Alaska	59 36.00 N	149 34.00 W			10
Rugged Island	Gulf of Alaska	59 50.00 N	149 23.10 W	59 51.00 N	149 24.70 W	10
Point Elrington ^{7,10}	Gulf of Alaska	59 56.00 N	148 15.20 W			20
Perry I. ⁷	Gulf of Alaska	60 44.00 N	147 54.60 W			
The Needle ⁷	Gulf of Alaska	60 06.64 N	147 36.17 W			
Point Eleanor ⁷	Gulf of Alaska	60 35.00 N	147 34.00 W			
Wooded I. (Fish I.)	Gulf of Alaska	59 52.90 N	147 20.65 W			20
Glacier Island ⁷	Gulf of Alaska	60 51.30 N	147 14.50 W			
Seal Rocks (Cordova) ¹⁰	Gulf of Alaska	60 09.78 N	146 50.30 W			20
Cape Hinchinbrook ¹⁰	Gulf of Alaska	60 14.00 N	146 38.50 W			20
Middleton I.	Gulf of Alaska	59 28.30 N	146 18.80 W			10
Hook Point ¹⁰	Gulf of Alaska	60 20.00 N	146 15.60 W			20
Cape St. Elias	Gulf of Alaska	59 47.50 N	144 36.20 W			20

¹Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.

²Closures as stated in 50 CFR 679.22(a)(7)(iv), (a)(8)(ii) and (b)(2)(ii).

³This site lies within the Bogoslof area (BA). The BA consists of all waters of area 518 as described in Figure 1 of this part south of a straight line connecting 55°00' N/170°00' W, and 55°00' N/168°11'4.75" W. Closure to directed fishing for pollock around Uliaga and Kagamil is 20 nm for waters west of 170° W long. and 10 nm for waters east of 170° W long.

⁴The trawl closure between 0 nm to 10 nm is effective from January 20 through May 31. Trawl closure between 0 nm to 3 nm is effective from August 25 through November 1.

⁵Trawl closure between 0 nm to 15 nm is effective from January 20 through May 31. Trawl closure between 0 nm to 20 nm is effective from August 25 to November 1.

⁶Restriction area includes only waters of the Gulf of Alaska Area.

⁷Contact the Alaska Department of Fish and Game for fishery restrictions at these sites.

⁸No-fishing zones are the waters between 0 nm and the nm specified in column 7 around each site and within the BA.

⁹This site is located in the Bering Sea Pollock Restriction Area, closed to pollock trawling during the A season. This area consists of all waters of the Bering Sea subarea south of a line connecting the points 163°0'00" W long./55°46'30" N lat., 165°08'00" W long./54°42'9" N lat., 165°40'00" long./54°26'30" N lat., 166°12'00" W long./54°18'40" N lat., and 167°0'00" W long./54°8'50" N lat.

¹⁰The 20 nm closure around this site is effective in federal waters outside of State of Alaska waters of Prince William Sound.

¹¹Some or all of the restricted area is located in the Seguam Foraging area (SFA) which is closed to all gears types. The SFA is established as all waters within the area between 52° N lat. and 53° N lat. and between 173°30' W long. and 172°30' W long.

¹²The 3 nm trawl closure around Puale Bay and the 20 nm trawl closure around Cape Douglas/Shaw I. are effective January 20 through May 31. The 10 nm trawl closure around Puale Bay and the 10 nm trawl closure around Cape Douglas/Shaw I. are effective August 25 through November 1.

Table 5 to 50 CFR Part 679 Steller Sea Lion Protection Areas Pacific Cod Fisheries Restrictions

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for fishing Pot Gear ^{2,3} (nm)		
St. Lawrence I./S Punuk I.	BS	63 04.00 N	168 51.00 W			20	20	20		
St. Lawrence I./SW Cape Hall I.	BS	63 18.00 N	171 26.00 W			20	20	20		
St. Paul I./Sea Lion Rock	BS	60 37.00 N	173 00.00 W			20	20	20		
St. Paul I./NE Pt.	BS	57 06.00 N	170 17.50 W			3	3	3		
Walrus I. (Pribilofs)	BS	57 15.00 N	170 06.50 W			3	3	3		
St George I./Dalnoi Pt.	BS	57 11.00 N	169 56.00 W			10	3	3		
St. George I./S. Rookery	BS	56 36.00 N	169 46.00 W			3	3	3		
Cape Newenham	BS	56 33.50 N	169 40.00 W			3	3	3		
Round (Walrus Islands)	BS	58 39.00 N	162 10.50 W			20	20	20		
Attu I./Cape Wrangell ¹¹	BS	58 36.00 N	159 58.00 W			20	20	20		
Agattu I./Gillon Pt. ¹¹	AI	52 54.60 N	172 27.90 E	52 55.40 N	172 27.20 E	20, 10	3	3		
Attu I./Chirikof Pt. ¹¹	AI	52 24.13 N	173 21.31 E			20, 10	3	3		
Agattu I./Cape Sabak ¹¹	AI	52 49.75 N	173 26.00 E			20, 3				
Alaid I. ¹¹	AI	52 22.50 N	173 43.30 E	52 21.80 N	173 41.40 E	20, 10	3	3		
Shemya I. ¹¹	AI	52 46.50 N	173 51.50 E	52 45.00 N	173 56.50 E	20, 3				
Buldir I. ¹¹	AI	52 44.00 N	174 08.70 E			20, 3				
Kiska I./Cape St. Stephen ¹¹	AI	52 20.25 N	175 54.03 E	52 20.38 N	175 53.85 E	20, 10	10	10		
Kiska I. Sobaka & Vega ¹¹	AI	51 52.50 N	177 12.70 E	51 53.50 N	177 12.00 E	20, 10	3	3		
Kiska I./Lief Cove ¹¹	AI	51 49.50 N	177 19.00 E	51 48.50 N	177 20.50 E	20, 3				
	AI	51 57.16 N	177 20.41 E	51 57.24 N	177 20.53 E	20, 10	3	3		

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)		
Kiska I./Sirius Pt. ¹¹	AI	52 08.50 N	177 36.50 E			20, 3				
Tanadak I. (Kiska) ¹¹	AI	51 56.80 N	177 46.80 E			20, 3				
Segula I. ¹¹	AI	51 59.90 N	178 05.80 E	52 03.06 N	178 08.80 E	20, 3				
Ayugadak Point ¹¹	AI	51 45.36 N	178 24.30 E			20, 10	3	3		
Rat I./Krysi Pt. ¹¹	AI	51 49.98 N	178 12.35 E			20, 3				
Little Sitkin I. ¹¹	AI	51 59.30 N	178 29.80 E			20, 3				
Amchitka I./Column ¹¹	AI	51 32.32 N	178 49.28 E			20, 10	3	3		
Amchitka I./East Cape ¹¹	AI	51 22.26 N	179 27.93 E	51 22.00 N	179 27.00 E	20, 10	3	3		
Amchitka I./Cape Ivakin ¹¹	AI	51 24.46 N	179 24.21 E			20, 3				
Semisopchnoi/Petrel Pt. ¹¹	AI	52 01.40 N	179 36.90 E	52 01.50 N	179 39.00 E	20, 10	3	3		
Semisopchnoi I./Pochnoi Pt. ¹¹	AI	51 57.30 N	179 46.00 E			20, 10	3	3		
Amatignak I./Nitrof Pt. ¹¹	AI	51 13.00 N	179 07.80 W			20, 3				
Unalga & Dinkum Rocks ¹¹	AI	51 33.67 N	179 04.25 W	51 35.09 N	179 03.66 W	20, 3				
Ulak I./Hasgox Pt. ¹¹	AI	51 18.90 N	178 58.90 W	51 18.70 N	178 59.60 W	20, 10	3	3		
Kavalga I. ¹¹	AI	51 34.50 N	178 51.73 W	51 34.50 N	178 49.50 W	20, 3				
Tag I. ¹¹	AI	51 33.50 N	178 34.50 W			20, 10	3	3		
Ugidak I. ¹¹	AI	51 34.95 N	178 30.45 W			20, 3				
Gramp Rock ¹¹	AI	51 28.87 N	178 20.58 W			20, 10	3	3		
Tanaga I./Bumpy Pt. ¹¹	AI	51 55.00 N	177 58.50 W	51 55.00 N	177 57.10 W	20, 3				
Bobrof I.	AI	51 54.00 N	177 27.00 W			3				
Kanaga I./Ship Rock	AI	51 46.70 N	177 20.72 W			3				

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)		
Kanaga I./North Cape	AI	51 56.50 N	177 09.00 W			3				
Adak I.	AI	51 35.50 N	176 57.10 W	51 37.40 N	176 59.60 W	10	3	3		
Little Tanaga Strait	AI	51 49.09 N	176 13.90 W			3				
Great Sitkin I.	AI	52 06.00 N	176 10.50 W	52 06.60 N	176 07.00 W	3				
Anagaksik I.	AI	51 50.86 N	175 53.00 W			3				
Kasatochi I.	AI	52 11.11 N	175 31.00 W			10	3	3		
Atka I./N. Cape	AI	52 24.20 N	174 17.80 W			3				
Amlia I./Sviech. Harbor ⁴	AI	52 01.80 N	173 23.90 W			3				
Sagigik I. ⁴	AI	52 00.50 N	173 09.30 W			3				
Amlia I./East ⁴	AI	52 05.70 N	172 59.00 W	52 05.75 N	172 57.50 W	3	20	20		
Tanadak I. (Amlia) ⁴	AI	52 04.20 N	172 57.60 W			3	20	20		
Agligadak I. ⁴	AI	52 06.09 N	172 54.23 W			20	20	20		
Seguam I./Saddleridge Pt. ⁴	AI	52 21.05 N	172 34.40 W	52 21.02 N	172 33.60 W	10	20	20		
Seguam I./Finch Pt.	AI	52 23.40 N	172 27.70 W	52 23.25 N	172 24.30 W	3	20	20		
Seguam I./South Side	AI	52 21.60 N	172 19.30 W	52 15.55 N	172 31.22 W	3	20	20		
Amukta I. & Rocks	AI	52 27.25 N	171 17.90 W			3	20	20		
Chagulak I.	AI	52 34.00 N	171 10.50 W			3	20	20		
Yunaska I.	AI	52 41.40 N	170 36.35 W			10	20	20		
Uliaga ^{5, 14}	BS	53 04.00 N	169 47.00 W	53 05.00 N	169 46.00 W	10	20	20		
Chuginadak ¹⁴	GOA	52 46.70 N	169 41.90 W			20	20,10	20		
Kagamil ^{5, 14}	BS	53 02.10 N	169 41.00 W			10	20	20		
Samalga	GOA	52 46.00 N	169 15.00 W			20	10	20		

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
			Latitude	Longitude		Latitude	Longitude			
Site Name	Area or Subarea									
Adugak I. ⁵	BS	52 54.70 N	169 10.50 W					10	BA	Pacific Cod No-fishing Zone for fishing Zone for Pot Gear ^{2,3} (nm)
Umnak I./Cape Aslik ⁵	BS	53 25.00 N	168 24.50 W					BA	BA	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)
Ogchul I.	GOA	52 59.71 N	168 24.24 W					20	10	20
Bogoslof I./Fire I. ⁵	BS	53 55.69 N	168 02.05 W					BA	BA	BA
Polivnoi Rock ⁹	GOA	53 15.96 N	167 57.99 W					20	10	20
Emerald I. ^{13, 9}	GOA	53 17.50 N	167 51.50 W					20	10	20
Unalaska/Cape Izigan ⁹	GOA	53 13.64 N	167 39.37 W					20	10	20
Unalaska/Bishop Pt. ^{6, 13}	BS	53 58.40 N	166 57.50 W					10	10	3
Akutan I./Reef-lava ⁶	BS	54 08.10 N	166 06.19 W		54 09.10 N	166 05.50 W		10	10	3
Unalaska I./Cape Sedanka ⁹	GOA	53 50.50 N	166 05.00 W					20	10	20
Old Man Rocks ⁹	GOA	53 52.20 N	166 04.90 W					20	10	20
Akutan I./Cape Morgan ⁹	GOA	54 03.39 N	165 59.65 W		54 03.70 N	166 03.68 W		20	10	20
Akun I./Billings Head	BS	54 17.62 N	165 32.06 W		54 17.57 N	165 31.71 W		10	3	3
Rootok ⁹	GOA	54 03.90 N	165 31.90 W		54 02.90 N	165 29.50 W		20	10	20
Tanginak I. ⁹	GOA	54 12.00 N	165 19.40 W					20	10	20
Tigalda/Rocks NE ⁹	GOA	54 09.60 N	164 59.00 W		54 09.12 N	164 57.18 W		20	10	20
Unimak/Cape Sarichef	BS	54 34.30 N	164 56.80 W					10	3	3
Aiktak ⁹	GOA	54 10.99 N	164 51.15 W					20	10	20
Ugamak I. ⁹	GOA	54 13.50 N	164 47.50 W		54 12.80 N	164 47.50 W		20	10	20
Round (GOA) ⁹	GOA	54 12.05 N	164 46.60 W					20	10	20
Sea Lion Rock (Amak)	BS	55 27.82 N	163 12.10 W					10	7	7
Amak I. And rocks	BS	55 24.20 N	163 09.60 W		55 26.15 N	163 08.50 W		10	3	3
Bird I.	GOA	54 40.00 N	163 17.2 W					10		

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
			Latitude	Longitude		Latitude	Longitude			
Site Name	Area or Subarea									
Caton I.	GOA	54 22.70 N	162 21.30 W					3		
South Rocks	GOA	54 18.14 N	162 41.3 W					10		
Clubbing Rocks (S)	GOA	54 41.98 N	162 26.7 W					10		3
Clubbing Rocks (N)	GOA	54 42.75 N	162 26.7 W					10		3
Pinnacle Rock	GOA	54 46.06 N	161 45.85 W					3		3
Sushilnoi Rocks	GOA	54 49.30 N	161 42.73 W					10		
Olga Rocks	GOA	55 00.45 N	161 29.81 W	54 59.09 N	161 30.89 W			10		
Jude I.	GOA	55 15.75 N	161 06.27 W					20		
Sea Lion Rocks (Shumagins)	GOA	55 04.70 N	160 31.04 W					3		3
Nagai I./Mountain Pt.	GOA	54 54.20 N	160 15.40 W	54 56.00 N	160 15.00 W			3		3
The Whaleback	GOA	55 16.82 N	160 05.04 W					3		3
Chernabura I.	GOA	54 45.18 N	159 32.99 W	54 45.87 N	159 35.74 W			20		3
Castle Rock	GOA	55 16.47 N	159 29.77 W					3		
Atkins I.	GOA	55 03.20 N	159 17.40 W					20		3
Spitz I.	GOA	55 46.60 N	158 53.90 W					3		3
Mitrofanina	GOA	55 50.20 N	158 41.90 W					3		3
Kak	GOA	56 17.30 N	157 50.10 W					20		3
Lighthouse Rocks	GOA	55 46.79 N	157 24.89 W					20		20
Sutwik I.	GOA	56 31.05 N	157 20.47 W	56 32.00 N	157 21.00 W			20		20
Chowiet I.	GOA	56 00.54 N	156 41.42 W	56 00.30 N	156 41.60 W			20		20
Nagai Rocks	GOA	55 49.80 N	155 47.50 W					20		20
Chirikof I.	GOA	55 46.50 N	155 39.50 W	55 46.44 N	155 43.46 W			20		20

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
			Latitude	Longitude		Latitude	Longitude			
Site Name	Area or Subarea									
Puale Bay	GOA	57 40.60 N	155 23.10 W					10		Pacific Cod No-fishing Zone for fishing Pot Gear ^{2,3} (nm)
Kodiak/Cape Ikolik	GOA	57 17.20 N	154 47.50 W					3		
Takli I.	GOA	58 01.75 N	154 31.25 W					10		
Cape Kuliak	GOA	58 08.00 N	154 12.50 W					10		
Cape Gull	GOA	58 11.50 N	154 09.60 W	58 12.50 N	154 10.50 W			10		
Kodiak/Cape Ugat	GOA	57 52.41 N	153 50.97 W					10		
Sitkinak/Cape Sitkinak	GOA	56 34.30 N	153 50.96 W					10		
Shakun Rock	GOA	58 32.80 N	153 41.50 W					10		
Twoheaded I.	GOA	56 54.50 N	153 32.75 W	56 53.90 N	153 33.74 W			10		
Cape Douglas (Shaw I.)	GOA	59 00.00 N	153 22.50 W					10		
Kodiak/Cape Barnabas	GOA	57 10.20 N	152 53.05 W					3		
Kodiak/Gull Point ⁷	GOA	57 21.45 N	152 36.30 W					10, 3		
Latax Rocks	GOA	58 40.10 N	152 31.30 W					10		
Ushagat I./SW	GOA	58 54.75	152 22.20 W					10		
Ugak I. ⁷	GOA	57 23.60 N	152 17.50 W	57 21.90 N	152 17.40 W			10, 3		
Sea Otter I.	GOA	58 31.15 N	152 13.30 W					10		
Long I.	GOA	57 46.82 N	152 12.90 W					10		
Sud I.	GOA	58 54.00 N	152 12.50 W					10		
Kodiak/Cape Chiniak	GOA	57 37.90 N	152 08.25 W					10		
Sugarloaf I.	GOA	58 53.25 N	152 02.40 W					20		
Sea Lion Rocks (Marmot)	GOA	58 20.53 N	151 48.83 W					10		
Marmot I. ⁸	GOA	58 13.65 N	151 47.75 W	58 09.90 N	151 52.06 W			15, 20		
Naganut Rocks	GOA	59 06.00 N	151 46.30 W					10		

Column Number 1	2	3	4	5	6	7	8	9
Site Name	Area or Subarea	Boundaries from		Boundaries to ¹		Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)
		Latitude	Longitude	Latitude	Longitude			
Perl	GOA	59 05.75 N	151 39.75 W			10		
Gore Point	GOA	59 12.00 N	150 58.00 W			10		
Outer (Pye) I.	GOA	59 20.50 N	150 23.00 W	59 21.00 N	150 24.50 W	20	10	10
Steep Point	GOA	59 29.05 N	150 15.40 W			10		
Seal Rocks (Kenai)	GOA	59 31.20 N	149 37.50 W			10		
Chiswell Islands	GOA	59 36.00 N	149 34.00 W			10		
Rugged Island	GOA	59 50.00 N	149 23.10 W			10		
Point Elrington ^{10, 12}	GOA	59 56.00 N	148 15.20 W			20		
Perry I. ¹⁰	GOA	60 44.00 N	147 54.60 W					
The Needle ¹⁰	GOA	60 06.64 N	147 36.17 W					
Point Eleanor ¹⁰	GOA	60 35.00 N	147 34.00 W					
Wooded I. (Fish I.)	GOA	59 52.90 N	147 20.65 W			20	3	3
Glacier Island ¹⁰	GOA	60 51.30 N	147 14.50 W					
Seal Rocks (Cordova) ¹²	GOA	60 09.78 N	146 50.30 W			20	3	3
Cape Hinchinbrook ¹²	GOA	60 14.00 N	146 38.50 W			20		
Middleton I.	GOA	59 28.30 N	146 18.80 W			10		
Hook Point ¹²	GOA	60 20.00 N	146 15.60 W			20		
Cape St. Elias	GOA	59 47.50 N	144 36.20 W			20		

BS = Bering Sea, AI = Aleutian Islands, GOA = Gulf of Alaska

¹Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.

² Closures as stated in 50 CFR 679.22(a)(7)(v), (a)(8)(iv) and (b)(2)(iii).

- ³ No-fishing zones are the waters between 0 nm and the nm specified in columns 7, 8, and 9 around each site and within the Bogoslof area (BA) and the Segum Foraging Area (SFA).
- ⁴ Some or all of the restricted area is located in the SFA which is closed to all gears types. The SFA is established as all waters within the area between 52° N lat. and 53° N lat. and between 173°30' W long. and 172°30' W long. Amlia I./East, and Tanadak I. (Amlia) haulouts 20 nm hook-and-line and pot closures apply only to waters located east of 173° W longitude.
- ⁵ This site lies within the BA which is closed to all gear types. The BA consists of all waters of area 518 as described in Figure 1 of this part south of a straight line connecting 55°00'N/170°00'W, and 55°00' N/168°11'4.75" W.
- ⁶ Hook-and-line no-fishing zones apply only to vessels greater than or equal to 60 feet LOA in waters east of 167° W long. For Bishop Point the 10 nm closure west of 167° W. long. applies to all hook and line and jig vessels.
- ⁷ The trawl closure between 0 nm to 10 nm is effective from January 20 through June 10. Trawl closure between 0 nm to 3 nm is effective from September 1 through November 1.
- ⁸ The trawl closure between 0 nm to 15 nm is effective from January 20 through June 10. Trawl closure between 0 nm to 20 nm is effective from September 1 through November 1.
- ⁹ Restriction area includes only waters of the Gulf of Alaska Area.
- ¹⁰ Contact the Alaska Department of Fish and Game for fishery restrictions at these sites.
- ¹¹ Directed fishing for Pacific cod using trawl gear is prohibited in the harvest limit area (HLA) as defined at § 679.2 until the HLA Atka mackerel directed fishery in the A or B seasons is completed. The 20 nm closure around Gramp Rock and Tanaga I./Bumpy Pt. applies only to waters west of 178°W long. and only during the HLA directed fishery. After closure of the Atka mackerel HLA directed fishery, directed fishing for Pacific cod using trawl gear is prohibited in the HLA between 0 nm to 10 nm of rookeries and between 0 nm to 3 nm of haulouts. Directed fishing for Pacific cod using trawl gear is prohibited between 0-3 nm of Tanaga I./Bumpy Pt.
- ¹² The 20 nm closure around this site is effective only in waters outside of the State of Alaska waters of Prince William Sound.
- ¹³ See 50 CFR 679.22(a)(7)(i)(C) for exemptions for catcher vessels less than 60 feet (18.3 m) LOA using jig or hook-and-line gear between Bishop Point and Emerald Island closure areas.
- ¹⁴ Trawl closure around this site is limited to waters east of 170°0'00" W long. Closure to hook-and-line fishing around Chuginadak is 20 nm for waters west of 170°W long. and 10 nm for waters east of 170°W long.



Federal Register

**Thursday,
January 2, 2003**

Part V

**Department of
Commerce**

**National Oceanic and Atmospheric
Administration**

15 CFR Part 902

50 CFR Part 679

**Fisheries of the Exclusive Economic Zone
Off Alaska; Steller Sea Lion Protection
Measures for the Groundfish Fisheries
Off Alaska; Final Rule**

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[Docket No. 020718172-2303-02; I.D. 051402C]

RIN 0648-AQ08

Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Groundfish Fisheries Off Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Steller sea lion protection measures to avoid the likelihood that the groundfish fisheries off Alaska will jeopardize the continued existence of the western distinct population segment (DPS) of Steller sea lions or adversely modify its critical habitat. These management measures will disperse fishing effort over time and area to provide protection from potential competition for important Steller sea lion prey species in waters adjacent to rookeries and important haulouts. The intended effect of this final rule is to protect the endangered western DPS of Steller sea lions, as required under the Endangered Species Act (ESA), and to conserve and manage the groundfish resources in the Bering Sea/Aleutian Islands management area (BSAI) and the Gulf of Alaska (GOA) in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective January 1, 2003.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) for the regulatory amendment to permit an investigation of the effect of commercial fishing on Walleye pollock distribution and abundance in localized areas off the east side of Kodiak Island; the supplemental environmental impact statement on Steller Sea Lion protection measures in the Federal groundfish fisheries off Alaska (SEIS), including the 2001 biological opinion (2001 BiOp) and regulatory impact review; the November 30, 2000, biological opinion (FMP BiOp); the final regulatory flexibility analysis; and the 2002 Stock Assessment and Fisheries Evaluation report for the BSAI Groundfish Fisheries may be obtained from the National Marine Fisheries Service, Alaska Region, P.O. Box 21668, Juneau, AK

99802-1668. The SEIS is also available on the NMFS Alaska Region home page at <http://www.fakr.noaa.gov>. Send comments on collection-of-information requirements to NMFS, Alaska Region, and to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), Washington, DC 20503 (Attn: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Melanie Brown, Sustainable Fisheries Division, Alaska Region, 907-586-7228 or email at melanie.brown@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the exclusive economic zone off Alaska under the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801, *et seq.* Regulations governing U.S. fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679. NMFS also has management responsibility for certain threatened and endangered species, including Steller sea lions, under the ESA of 1973, 16 U.S.C. 1531, *et seq.*, and the authority to promulgate regulations to enforce provisions of the ESA to protect such species.

Background

On November 30, 2000, NMFS issued a biological opinion on the FMPs, which determined that the pollock, Pacific cod, and Atka mackerel fisheries were likely to jeopardize the continued existence of the western DPS of Steller sea lions and to adversely modify its critical habitat. It contained a reasonable and prudent alternative (RPA) that included large fishery closure areas, harvest limits, and seasonal distribution of harvest for the pollock, Pacific cod, and Atka mackerel fisheries. Before the RPA could be implemented, the President signed Public Law 106-554 on December 21, 2000, which contained a 1-year timetable to phase in the RPA. This year provided the Council with time to develop alternative protection measures that would avoid jeopardy and adverse modification of critical habitat for Steller sea lions.

The Council appointed an RPA Committee consisting of a variety of members including commercial fishery interests, the environmental community, the Alaska Department of Fish and Game (ADF&G), and NMFS. The RPA Committee, which met

numerous times throughout 2001 to evaluate the best scientific and commercial data available developed, with the assistance of NMFS expertise, recommendations for Steller sea lion protection measures for the pollock, Pacific cod, and Atka mackerel fisheries. More details on the protection measures development process and the status of Steller sea lions are contained in the preamble to the proposed rule published September 4, 2002 (67 FR 56692).

In a section 7 consultation under the ESA, NMFS issued a 2001 BiOp, which determined that the groundfish fisheries managed under the protection measures in this final rule are unlikely to jeopardize the continued existence of the western DPS of Steller sea lions or adversely modify its critical habitat. Following this determination, the Council adopted and forwarded to NMFS the protection measures contained in this final rule, which are necessary to comply with section 7(a)(2) of the ESA. These measures were implemented in 2002 by emergency interim rule (67 FR 956, January 8, 2002; amended 67 FR 21600, May 1, 2002; corrected 67 FR 45671, July 10, 2002, 67 FR 47472, July 19, 2002, and 67 FR 64315, October 18, 2002; and extended 67 FR 34860, May 16, 2002).

A detailed history on past biological opinions and court cases regarding Steller sea lions and the Alaska groundfish fisheries and a description of how the protection measures meet the national standards in the Magnuson-Stevens Act are presented in the preamble to the January 8, 2002, emergency interim rule (67 FR 956).

Summary of the 2002 Protection Measures

For more detailed descriptions by topic, fishery, and area, see the preamble to the proposed rule (67 FR 56692, September 4, 2002). Closure areas apply to vessels named on a Federal Fisheries Permit issued under § 679.4(b) in the groundfish fisheries in the BSAI and GOA reporting areas, including the State waters within those reporting areas. The following is a summary of protection measures:

1. Area closures for all groundfish fishing within 0-3 nm of 39 rookery sites. These sites are considered the most sensitive for females with pups, and the nearshore marine critical habitat is the most important to protect from interactions between groundfish fisheries and Steller sea lions.

2. Protection measures for the Atka mackerel, pollock, and Pacific cod directed fisheries in the waters off Alaska, which include the following: (a)

a modified harvest control rule to prohibit directed fishing when the spawning biomass falls below 20 percent of the projected unfished spawning biomass, (b) closures within 10 or 20 nm of selected haulout and rookery sites to directed fishing for Atka mackerel, pollock, and Pacific cod in the GOA and BSAI, (c) closure of the Segum foraging area and most of the Bogoslof area to all gear types, (d) a Vessel Monitoring System (VMS) requirement to facilitate enforcement of closed areas, (e) closure of the Chignik area to pot, trawl, and hook-and-line gears, (f) closure within 10 or 20 nm of 46 rookeries and haulouts to hook-and-line fishing for Pacific cod and 44 rookeries and haulouts to pot fishing for Pacific cod, (g) modifications to the Community Development Quota (CDQ) groundfish program, (h) revisions to the Federal Fisheries Permit requirements, and (i) changes to the catcher vessel fishing trip definition.

3. Aleutian Island subarea protection measures include the following: (a) conduct of any pollock directed fishery authorized in the Aleutian Islands subarea outside of critical habitat and apportionment to two seasons (40:60 percent), (b) Pacific cod total allowable catch (TAC) apportionment by season and gear, as well as gear specific area restrictions that alternate with the Atka mackerel fishery in critical habitat in waters west of 178° W long., (c) closure of the Segum foraging area to pollock, Atka mackerel, and Pacific cod directed fishing by all gear types, (d) critical habitat harvest limit of 60 percent for Atka mackerel in waters west of 178° W long., (e) grouping of vessels for Atka mackerel fishing in critical habitat in waters west of 178° W long., (f) requirements for two observers for critical habitat Atka mackerel directed fishing, (g) closures of at least 0–3 nm around all haulouts for Atka mackerel and Pacific cod trawl fishing, and (h) closure to Atka mackerel critical habitat directed fishing with trawl gear east of 178° W long.

4. Bering Sea protection measures include the following: (a) two seasons (40:60 percent apportionment) for the pollock fishery with no more than 28 percent of the annual directed fishing allowance taken from the Steller sea lion conservation area (SCA) before April 1, (b) establishment of the Bering Sea Pollock Restriction Area (BSPRA) during the A season, (c) closure of the Catcher Vessel Operation Area (CVOA) to non-CDQ pollock trawl catcher/processors during the B season, (d) Pacific cod TAC apportionments by season and gear, as well as gear specific area restrictions, and (e) closure of all

Bering Sea subarea critical habitat within 20 nm of rookeries and haulouts to Atka mackerel trawl fishing.

5. Gulf of Alaska protection measures include the following: (a) distribution of pollock harvest evenly among 4 seasons, (b) closure of directed fishing for pollock in areas that vary from 0–20 nm to 0–3 nm around rookeries and haulouts, (c) two seasons (60:40 percent apportionment) for Pacific cod fishing and area restrictions that are dependent on gear type and vessel size, and (d) continuation of the NMFS Chiniak Gully research project to explore the effects of commercial fisheries on pollock abundance and distribution in the GOA.

In November 2002, the State of Alaska Board of Fisheries (BOF) adopted the same protection measures for the State parallel fisheries, with two exceptions in the GOA Pacific cod pot fishery. The ADF&G should be contacted for details on Steller sea lion protection measures inside State waters. Under the Steller sea lion protection measures implemented in 2002 and in this final rule, Caton Island and Cape Barnabas are closed from 0–3 nm to Pacific cod fishing with pot gear by vessels named on a Federal Fisheries Permit issued under 50 CFR 679.4(b). The State did not adopt these closures. In October 2002, the Council recommended to open waters from 0–3 nm around Cape Barnabas and Caton Island to directed Pacific cod pot fishing by vessels named on a Federal Fisheries Permit. Opening these areas for the Pacific cod pot fishery will ensure consistency between State and Federal groundfish fisheries regulations and prevent unnecessary constraint on the Pacific cod pot fishery. NMFS will publish a notice of proposed rulemaking proposing the opening of these areas in early 2003.

Changes to the Steller Sea Lion Protection Measures From the Proposed Rule

The notice of proposed rulemaking explained that NMFS would use CDQ catch reports to determine when catch limits have been reached, when area closures should occur, and how pollock catch should be accounted for in the groundfish CDQ fisheries. See 67 FR 56698, column 1 (September 4, 2002). In order to use the CDQ catch reports to manage the CDQ fisheries as proposed, NMFS must be able to assign reported CDQ catch to the reporting vessels' target fisheries. However, the proposed rule text omitted a necessary provision specifically requiring vessels participating in CDQ fisheries to indicate their intended target species on the CDQ catch reports submitted to

NMFS. This omission is corrected in this final rule at § 679.5(n)(2)(iii)(B)(4). This requirement was implemented by emergency interim rule in 2002 (67 FR 956, January 8, 2002) and was included in the Paperwork Reduction Act clearance submission prepared for the proposed rule.

The notice of proposed rulemaking specified that any vessel using pot, hook-and-line, or trawl gear in directed fisheries for Atka mackerel, Pacific cod, or pollock would have to register with NMFS and obtain endorsements for these directed fisheries on the vessel's Federal Fisheries Permit (FFP). A vessel would be prohibited from directed fishing for Atka mackerel, Pacific cod, or pollock without an endorsed FFP as described above. See 67 FR 56698, column 2, September 4, 2002. Although this language published in the proposed rule clearly indicates that the endorsement requirement and prohibition should apply only to vessels using pot, hook-and-line, or trawl gear, the proposed rule text would erroneously apply the prohibition to vessels using any type of gear. This error is corrected in this final rule at § 679.7(a)(1)(ii) by limiting this prohibition only to vessels using pot, hook-and-line, or trawl gear.

The proposed rule did not specify a first seasonal allowance of Pacific cod that would be available for harvest as an interim harvest specification at the beginning of a fishing year. Interim harvest specifications are established by regulations at § 679.20(c) to manage the annual fisheries during the period prior to the effective date of the final annual harvest specifications, which typically are not published until February or March. Pollock, Atka mackerel, and Pacific cod fisheries yield high economic value in the period from January through March because of the quality of the fish and high catch per unit of effort on spawning aggregations.

The interim specifications for pollock and Atka mackerel are specified by regulations as the first seasonal allowances for these species proposed in the annual notice of proposed harvest specifications. Although the proposed Steller sea lion protection measures explained that 60 percent of the Pacific cod TAC is allocated to the A season beginning in January each year (see 67 FR 56701, Table 2, September 4, 2002), the proposed rule text does not specifically make this first seasonal allowance of Pacific cod available for harvest under the interim specifications. This omission is corrected in the final rule at §§ 679.20(c)(2) and 679.20(c)(2)(ii)(B) by specifying that the interim harvest specification for Pacific

cod fisheries will be the first seasonal allowance of Pacific cod proposed in the annual notice of proposed harvest specifications. A similar omission relating to the CDQ Atka mackerel and CDQ Pacific cod fisheries is corrected at § 679.20(c)(2)(ii)(B) in the final rule. These changes are necessary to achieve temporal dispersion of the pollock, Atka mackerel, and Pacific cod fisheries, as described in the notice of proposed rulemaking implementing the Steller sea lion protection measures.

In § 679.20(d)(4), the term "biomass" is changed to "spawning biomass" to clarify the type of biomass that is considered in the harvest control rule.

Text in § 679.22 is changed to clarify application of closure areas. The term "federally permitted vessels" is replaced with "by vessels named on a Federal Fisheries Permit issued under § 679.4(b)". NMFS may issue a number of different permits to owners of vessels for fishing activities in the BSAI and GOA. The permits are issued to an owner, and a vessel is named on the permit. This change will identify the vessels, and the type of permitting that is affected by the Steller sea lion protection measures, thereby reducing confusion.

Footnote 4 to Table 5 is changed in the final rule from the proposed rule to clarify the location of waters closed to pot and hook-and-line directed fishing for Pacific cod. Closures for these gear types are applicable to critical habitat in waters east of 173° W long. Amlia I./East and Tanadak I. (Amlia) haulouts are located at nearly 173° W long., and Footnote 4 to Table 5 in the final rule is corrected to indicate that the 20-nautical mile (nm) closures for these haulouts applies only to waters east of 173° W long., as described in the preamble to the proposed rule.

The regulatory text in the emergency interim rule implementing 2002 Steller sea lion protection measures did not include applicability date language for Tables 21, 22, 23, and 24. Without applicability date language, the tables appeared to be a permanent regulatory amendment, which cannot be accomplished by emergency interim rule. This final rule replaces these tables with Tables 4, 5, 6, and 12. Tables 21, 22, 23, and 24 are removed to prevent confusion.

Response to Comments

NMFS received 2 letters with comments in response to the May 16, 2002, extension of the emergency interim rule (67 FR 34860) that implemented the Steller sea lion protection measures and the 2002 harvest specifications.

One letter supported the extension of the emergency interim rule to protect Steller sea lions. The writer agreed with the temporary constraint on the fisheries and was concerned about overexploitation of marine resources.

The second letter was a copy of the comments submitted by the writer regarding the January 8, 2002, emergency interim rule. Responses to these comments were provided in the preamble to the proposed rule (67 FR 56692, September 4, 2002) and no further response is needed.

One letter of comment was received before the proposed rule was published concerning the VMS requirements that this rule will implement. The letter made three points. First, VMS should only be required on vessels that had previous fishing violations. Second, VMS should not be required when vessels are engaged in fishing operations other than directed fishing for Pacific cod, Atka mackerel or pollock or when the vessel is being used for personal uses such as hunting. Third, VMS should not be required when a fishery is only open in another area. For example, if a fishery is only open in the BSAI, the vessel should not be required to use a VMS if it only fishes in the GOA.

NMFS disagrees with all three suggestions to relax VMS requirements. VMS is a tool to determine in near real time whether a violation may be occurring. If only those vessels with previous fishing violations were required to participate in a VMS program, NMFS would be unable to determine whether violations by vessels without previous violations were occurring. Using other traditional methods of enforcement, significantly less of the illegal incursions are likely to be discovered. While under most circumstances it is possible to determine from a vessel's VMS transmissions whether the vessel is fishing, it is not possible to determine what the vessel is harvesting. Enforcement would be most effective if all fishing vessels were required to operate a VMS at all times. However, in order to reduce impact on those vessels that do not engage in the Pacific cod, Atka mackerel, or pollock fisheries with pot, hook-and-line, or trawl gear, operating a VMS will only be required for those vessels that do participate in these fisheries, and only when these fisheries are open. Vessel owners intending to use their boats for purposes other than directed fishing for Pacific cod, Atka mackerel, or pollock may have NMFS remove the endorsement for those species from their FFP. Concerning the third point, the

boundary between the Gulf of Alaska and the Bering Sea is long and many of the critical habitat areas straddle that boundary. If VMS were not required in both areas when a fishery is open in either area, enforcement would be unnecessarily complicated. Vessels that had turned their VMS transmitters off would be able to "hide" in the area where VMS was not required and enter the area where VMS was required making effective surveillance difficult or impossible.

NMFS received three letters with comments regarding the proposed rule for Steller sea lion protection measures. Two letters recommended that NMFS approve software-based VMS technologies that integrate electronics already on the vessel, at least as backup systems. NMFS believes that the modification of VMS standards is outside the scope of this rulemaking. First, NMFS did not propose this measure for public comment. Second, VMS standards are promulgated and amended on a national level and VMS components are approved for use off Alaska based on those standards. At this time, the software-based systems referred to in the comment do not meet the current standards. The comments from the third letter and responses are summarized below.

Comment 1. In general, the commentor disagreed that the groundfish fisheries are likely to jeopardize the continued existence of the western DPS of Steller sea lions or adversely affect its critical habitat. Little, if any, scientific evidence exists of competition between groundfish fisheries and Steller sea lions. NMFS is acting in a highly conservative and precautionary manner by imposing Steller sea lion protection measures contained in the proposed rule.

Response. The ESA requires NMFS to ensure the protection of endangered and threatened species. Sufficient evidence exists of the potential for competition for prey between the groundfish fisheries and Steller sea lions to warrant restrictions on the groundfish fisheries. The protection measures in the final rule ensure that the groundfish fisheries will be unlikely to jeopardize the continued existence of the western DPS of Steller sea lions or destroy or adversely modify its critical habitat.

Comment 2. The zonal approach of restricted fishing areas should not be changed until an evaluation is done. The year 2002 should be used as a baseline.

Response. The effectiveness of the protection measures will be evaluated before any changes are made.

Comment 3. The 2002 pup and non-pup Steller sea lion aerial survey results do not support the concept of groundfish fishery interaction leading to Steller sea lion declines. The locations of increases and decreases in counts are not consistent with areas of more or less amounts of fishing. This again demonstrates that NMFS is acting in a highly conservative and precautionary manner.

Response. NMFS is unable to draw conclusions about the effectiveness of Steller sea lion protection measures using the recent Steller sea lion survey estimate. NMFS has a number of research programs under way that are intended to provide further information about possible groundfish fishery interactions with Steller sea lions. The recently measured increase in the population may indicate the effects of protection measures implemented since 1999, natural environmental changes, or merely a statistical anomaly. In the 2002 FMP BiOp (see **ADDRESSES**), NMFS determined that we would need 6–10 years (roughly 3–5 surveys) to positively determine a change in the population trajectory given uncertainty in the estimates. NMFS will continue to evaluate this information as it becomes available and will use it to determine the relationship between Steller sea lion population trends and fisheries.

Comment 4. Table 5 should be corrected for five haulouts located just east of 173° West long. The closure areas for these sites only apply to those waters located east of 173° West long. and a footnote should be added to the table to indicate this.

Response. Two of the five haulouts should be corrected. Accordingly, Table 5 is changed from the proposed rule for Amlia I./East and Tanadak I. (Amlia). Footnote 4 to the Table has a sentence added indicating that the 20-nm closure for these haulouts for the hook-and-line and pot Pacific cod fisheries applies only to those waters located east of 173° West long. Other Steller sea lion sites near the 173° West long. are either rookeries with 10 or 20 nm closures or haulouts with 20 nm closures that are overlapped by the Seguam foraging area closure.

Comment 5. The word “spawning” should be inserted immediately before the term “biomass” whenever that term occurs in the regulatory text at § 679.20(d)(4) for the harvest control rule to be consistent with the preamble.

Response. The change is made in the final rule.

On October 5, 2002, the Council provided comment on the proposed rule by recommending the continued closure of the Aleutian Islands subarea to

directed fishing for pollock in 2003 and the opening of this subarea in 2004 and beyond to directed fishing for pollock outside the critical habitat, apportioned seasonally (40:60 percent). The Council requested this change to allow for additional analysis of the potential effects of opening the pollock fishery. The Council recommended that NMFS analyze effects of the Aleutian Islands subarea directed pollock fishery on Steller sea lions, bycatch, and other fisheries, including cumulative effects.

The 2001 BiOp found that opening the seasonally apportioned pollock fishery outside of critical habitat in the Aleutian Islands subarea would not likely cause jeopardy or adverse modification of critical habitat for the western DPS of Steller sea lions. At this time, NMFS has no new information that would change the conclusion in the 2001 BiOp concerning the Aleutian Islands subarea directed pollock fishery.

The 2002 Stock Assessment and Fisheries Evaluation report for BSAI pollock (see **ADDRESSES**) provides an acceptable biological catch level for a directed pollock fishery in the Aleutian Islands subarea based on the condition of the pollock stock.

This final rule provides that any directed pollock fishery authorized in the Aleutian Islands subarea must be conducted outside of critical habitat with seasonal apportionments to temporally disperse the harvest. The pollock fishery conducted in this manner will meet the temporal and spatial dispersion of harvest required by the 2001 BiOp and FMP BiOp.

However, NMFS does acknowledge the concerns expressed by the Council regarding potential impacts of a new directed pollock fishery in the Aleutian Islands subarea on other ecosystem components and on other components of the fishing industry. As such, the 2003 harvest specifications for the BSAI will close the Aleutian Islands subarea to directed fishing for pollock and establish an Aleutian Islands subarea pollock TAC that allows only incidental catch of pollock in other Aleutian Islands subarea groundfish fisheries. NMFS will continue analysis of the potential impacts of a new Aleutian Islands subarea directed pollock fishery and will provide the Council with updated information.

Classification

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that this final rule is necessary for the conservation and management of the groundfish fisheries of the BSAI and GOA. The Regional Administrator also has determined that

this final rule is consistent with the Magnuson-Stevens Act and other applicable laws. No relevant Federal rules exist that duplicate, overlap, or conflict with this action.

The Steller sea lion protection measures have been determined to be significant for purposes of Executive Order 12866.

NMFS prepared two final regulatory flexibility analyses (FRFA) that described the economic impact this final rule would have on small entities. Copies of these FRFAs are available from NMFS (see **ADDRESSES**). A description of the final action, the reason the action is being considered, and the legal basis for this action are contained at the beginning of this preamble.

One FRFA analyzed the Steller sea lion protection measures. NMFS received no comments on the Initial Regulatory Flexibility Analysis (IRFA). This FRFA concluded, based on the numbers of operations in 2000, that approximately 590 small entities would be directly regulated by the rule. This includes 514 catcher vessels, 33 catcher/processors, 37 shoreside processors, and 6 CDQ groups. The action will create the following new recordkeeping and reporting requirements: (a) questions will be added to the annual FFP renewal application and renewal forms to enable NMFS to identify which vessels will be directed fishing in the Pacific cod, pollock, and Atka mackerel fisheries; (b) vessels, other than jig vessels, will be required to operate a VMS while they are operating in the BSAI or GOA reporting areas when the pollock, Atka mackerel, or Pacific cod fishery they are permitted for is open; (c) an additional question asking CDQ operators to report target species has been added to each CDQ catch report; and (d) Atka mackerel vessels will have to carry additional observers when fishing in Aleutian Islands subarea critical habitat.

The Council and NMFS considered five regulatory alternatives. These were analyzed at length in the final SEIS. Three of these, Alternatives 2, 3 and 5, have adverse impacts on small entities that are greater than those in Alternative 4 (the preferred alternative). Alternative 2 dramatically reduced the TACs available to the fisheries. All three alternatives placed far more of the fisheries gross revenues “at risk” due to restrictions on fishing in closed or restricted critical habitat. These revenue reductions would have led to lower revenues for small entities in the fishery than the revenue reduction in Alternative 4. Alternative 1 had smaller adverse impacts on small entities than those in Alternative 4. However, this

alternative was the “no action” alternative under which regulatory measures, which were implemented by emergency rule and designed to protect Steller sea lions, would expire (note that not all regulations to protect the Steller sea lions had been implemented by emergency rule). This alternative was not adopted because the Council found it inadequate to avoid the likelihood that the groundfish fisheries would jeopardize the continued existence of the western DPS of Steller sea lions and adversely modify its critical habitat. Two additional options to Alternative 4 might have produced a reduced impact on the small vessel fleets. The first option would have exempted certain classes of small vessels from fishing restrictions in the vicinities of Chignik, and the second one would have established a system of “gear zones” along the coast in the GOA and would have restricted larger vessels to a greater extent than small ones in the zones closer to the shore. The additional small boat exemptions for Chignik were not included because opening these areas would reduce the value as a control site for evaluating management measures and increase the likelihood for competitive interactions with Steller sea lions, and also because this site has not been economically important to the small boat fleets. The Council decided not to include the GOA “gear zone” option due to potential conflicts with Magnuson-Stevens Act national standards 8 and 10 (i.e., local community access to fishing resources and safety). However, vessel owners’ costs associated with VMS purchases required under the preferred alternative will be reimbursed through a NMFS grant to the Pacific States Marine Fisheries Commission.

A second FRFA has been prepared for the Chiniak Gully experiment implemented by this final rule. NMFS received no comments on the Initial Regulatory Flexibility Analysis (IRFA). This FRFA concluded that most of the vessels that would trawl for groundfish in the proposed Chiniak Gully area during late summer are small entities. This included 145 small entities. Most of these affected vessels are homeported in and operate out of the city of Kodiak, adjacent to the proposed closure area. Although vessels will be able to harvest in other locations in the vicinity of Kodiak Island and should be able to recover most of their lost revenues, they would be expected to incur some additional costs as a result of traveling greater distances to alternative fishing areas. Because harvest may be taken elsewhere and the restriction will last

no more than 3 years, the overall impact on the affected vessels should not be large. As these small vessels potentially experience higher costs, they may see some reduction in their cash flow and profits while the program is in effect. Since the affected vessels are mostly small entities, and large trawl entities would not be affected by this trawl closure, the impact may be disproportionately large on small entities. This action imposes no additional reporting requirements on small entities. The alternatives of no action and of excluding small entities from the action were considered and would have reduced the burden on small entities, compared to the preferred alternative. However, the no action alternative would have prevented the experiment from proceeding. Excluding small entities would have eliminated most of the vessels active in the experimental area. Therefore these alternatives would not meet the objective of the action.

Pursuant to the National Environmental Policy Act, NMFS prepared an SEIS for the Steller sea lion protection measures; a notice of availability of the draft SEIS was published in the **Federal Register** on August 31, 2001 (66 FR 45984). Comments were received and responded to in the final SEIS, and the final document was issued November 23, 2001 (66 FR 58734). An analysis of the Chiniak experiment is provided in the EA/RIR/FRFA for the regulatory amendment to permit an investigation of the effect of commercial fishing on Walleye pollock distribution and abundance in localized areas off the east side of Kodiak Island. The final SEIS and EA/RIR/FRFA are available from NMFS (see **ADDRESSES**). No significant impacts on the human environment were anticipated from the Chiniak Gully experiment based on the analysis in the EA/RIR/FRFA. Based on a comparison of the effects of the other alternatives in the SEIS, NMFS determined that this action complies with ESA requirements. Potential impacts on marine mammals resulting from fishing activities conducted under this final rule are discussed in the SEIS for this action.

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) that have been approved by OMB. Public reporting burden for these collections is listed by OMB control number below.

OMB No. 0648–0206: for a Federal Fisheries Permit application (including the information necessary to register a vessel using trawl gear to conduct directed fishing operations for Atka mackerel in the harvest limit area), 21

minutes per response; OMB No. 0648–0445: 6 hours to install a VMS unit; 12 minutes to fax a check-in report that the VMS is operational; 5 seconds per automated position report; and 4 hours per year for VMS maintenance; and OMB No. 0648–0269: for CDQ target species reporting; 15 minutes per catch report.

These response time estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

Formal and informal section 7 consultations under the ESA were completed for this final rule under the FMPs for the groundfish fisheries of the BSAI and the GOA. In the 2001 BiOp and memorandum dated December 11, 2001, from the Office of Protected Resources (OPR) to the Office of Sustainable Fisheries, the Director of the OPR determined that fishing activities described in this final rule are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

On December 18, 2002, the United States District Court for the Western District of Washington entered an Order remanding the biological opinion prepared for the groundfish fisheries managed pursuant to this rule. *Greenpeace, et al. v. National Marine Fisheries Service*, No. C98–492Z (W.D. Wash.). The Court held that the biological opinion’s findings of no jeopardy to the continued existence of endangered Steller sea lions and no adverse modification of their critical habitat were arbitrary and capricious. NMFS is seeking Plaintiff’s agreement that the 2003 fisheries will commence pursuant to the Steller sea lion protection measures specified in the 2001 BiOp and implemented by this final rule pending completion of the remand. If such agreement is reached, it will be filed with the Court. If agreement is not reached, NMFS will take such other action as is necessary to ensure the fisheries’ compliance with

section 7(a)(2) of the ESA pending completion of the remand.

The Steller sea lion protection measures in this rule must be effective by January 1, 2003, the date on which the emergency interim rule implementing these measures expires and the 2003 groundfish fisheries will open. The measures contained in this rule are substantially the same as those contained in the emergency interim rule dated January 8, 2002 (67 FR 956 and extended May 16, 2002, 67 FR 34860), and therefore this rule is largely a continuation of the status quo. Because the industry is already complying with similar measures, additional time is not required for compliance. Accordingly, there is good cause to waive the requirement of a 30-day delay in the effective date for this rule pursuant to 5 U.S.C. 553(d)(3). However, NMFS will make this rule effective on January 1, 2003, thereby providing a short delay in the effective date.

List of Subjects in 15 CFR Part 902 and 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and requirements.

Dated: December 23, 2002.

William T. Hogarth,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

15 CFR Chapter IX

For the reasons set out in the preamble, 15 CFR part 902, chapter IX, is amended as follows:

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT; OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, the table in paragraph (b) is amended by adding under 50 CFR the following entries in numerical order:

§ 902.1 OMB Control numbers assigned pursuant to the Paperwork Reduction Act.

*	*	*	*	*	*	*	*
(b) * * *							

CFR part or section where the information collection requirement is located	Current OMB control number (All numbers begin with 0648-)
* * * * *	*

50 CFR

CFR part or section where the information collection requirement is located	Current OMB control number (All numbers begin with 0648-)
* * * * *	*
679.4(b)(5)(vi)	-0206
679.20(a)(8)(iii)	-0269
679.28(f)(4), (f)(5), (f)(6)	-0445
* * * * *	*

50 CFR Chapter VI

For reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Title II of Division C, Pub. L. 105-277; Sec. 3027, Pub. L. 106-31; 57 Stat. 113; 16 U.S.C. 1540(f); and Sec. 209, Pub. L. 106-554.

2. In § 679.2, the definition for “Steller Sea Lion Protection Areas” is removed, paragraph (1) of the definition for “Fishing trip” is revised, and the definition for “harvest limit area (HLA) for Atka mackerel directed fishing” is added in alphabetical order to read as follows:

§ 679.2 Definitions.

* * * * *

Fishing trip means:

(1) Retention requirements (MRA, IR/IU, and pollock roe stripping).

(i) With respect to retention requirements of MRA, IR/IU, and pollock roe stripping, an operator of a catcher/processor or mothership processor vessel is engaged in a fishing trip from the time the harvesting, receiving, or processing of groundfish is begun or resumed in an area until:

(A) The effective date of a notification prohibiting directed fishing in the same area under § 679.20 or § 679.21;

(B) The offload or transfer of all fish or fish product from that vessel;

(C) The vessel enters or leaves an area where a different directed fishing prohibition applies;

(D) The vessel begins fishing with a different type of authorized fishing gear; or

(E) The end of a weekly reporting period, whichever comes first.

(ii) With respect to retention requirements of MRA, IR/IU, and pollock roe stripping, an operator of a

catcher vessel is engaged in a fishing trip from the time the harvesting of groundfish is begun until the offload or transfer of all fish or fish product from that vessel.

* * * * *

Harvest limit area (HLA) for Atka mackerel directed fishing for the purposes of §§ 679.4(b)(5)(vi)(B), 679.20(a)(8)(ii) and (iii), and 679.22(a)(8)(iv)(A), means the waters of statistical areas 542 and 543 that are (1) west of 178° W long. and (2) within 20 nm seaward of sites listed in Table 6 of this part that are located west of 177°57.00' W long.

* * * * *

3. In § 679.4, paragraph (b)(5)(vi) is revised to read as follows:

§ 679.4 Permits.

* * * * *

(b) * * *

(5) * * *

(vi) *Atka Mackerel, Pollock, and Pacific Cod Directed Fisheries.* (A) Indicate use of pot, hook-and-line, or trawl gear in the directed fisheries for pollock, Atka mackerel, or Pacific cod.

(B) Indicate directed fishing for Atka mackerel in the harvest limit area, as defined in § 679.2.

* * * * *

4. In § 679.5 paragraph (n)(2)(iii)(B)(4) is revised to read as follows:

§ 679.5 Recordkeeping and reporting.

* * * * *

(n) * * *

(2) * * *

(iii) * * *

(B) * * *

(4) Indicate the intended target species.

* * * * *

5. In § 679.7, paragraph (c)(3) is removed, paragraphs (a)(1), (a)(17), (a)(18), (a)(19), and (b) are revised to read as follows:

§ 679.7 Prohibitions.

* * * * *

(a) * * *

(1) *Federal Fisheries Permit.* (i) Fish for groundfish in the BSAI or GOA with a vessel of the United States that does not have on board a valid Federal Fisheries Permit issued under § 679.4.

(ii) Conduct directed fishing for Atka mackerel, Pacific cod, or pollock with pot, hook-and-line, or trawl gear from a vessel of the United States that does not have on board a valid Federal Fisheries Permit issued under § 679.4 and endorsed for Atka mackerel, Pacific cod, or pollock under § 679.4(b)(5)(vi).

* * * * *

(17) *Tender vessel.* (i) Use a catcher vessel or catcher/processor as a tender

vessel before offloading all groundfish or groundfish product harvested or processed by that vessel.

(ii) Use a catcher vessel or catcher/processor to harvest groundfish while operating as a tender vessel.

(18) *Pollock, Pacific Cod, and Atka Mackerel Directed Fishing and VMS.* Operate a vessel in any Federal reporting area when a vessel is authorized under § 679.4(b)(5)(vi) to participate in the Atka mackerel, Pacific cod, or pollock directed fisheries and the vessel's authorized species and gear type is open to directed fishing, unless the vessel carries an operable NMFS-approved Vessel Monitoring System (VMS) and complies with the requirements in § 679.28(f).

(19) *Atka Mackerel HLA Groundfish Prohibition.* For vessels registered for directed fishing for Atka mackerel HLA under § 679.20(a)(8)(iii), conduct directed fishing for groundfish, other than for Atka mackerel in an assigned HLA directed fishery under § 679.20(a)(8)(iii), during the time period that the first Atka mackerel HLA directed fishery to which the vessel is assigned under § 679.20(a)(8)(iii)(B) is open.

(b) *Prohibitions specific to the GOA.* (1) *Southeast outside trawl closure.* Use trawl gear in the GOA east of 140° W long.

(2) *Catcher vessel trip limit for pollock.* Retain on board a catcher vessel at any time during a trip, more than 300,000 lb (136 mt) of unprocessed pollock.

(3) *Tender vessel restrictions for pollock.* (i) Operate as a tender vessel east of 157°00' W long, for pollock harvested in the GOA.

(ii) Operate as a tender vessel west of 157°00' W long, while retaining on board at any time more than 600,000 lb (272 mt) of unprocessed pollock.

* * * * *

6. In § 679.20:

a. Remove paragraphs (a)(7)(iii)(B) and (f)(3), and redesignate paragraph (a)(7)(iii)(C) and (D) as (a)(7)(iii)(B) and (C).

b. Revise paragraphs (a)(5)(i)(A), (a)(5)(i)(B), (a)(5)(ii)(B), (a)(6)(ii), (a)(6)(iii), (a)(7)(i)(C)(2) and (3), (a)(7)(ii)(A), (a)(7)(ii)(D), (a)(7)(iii)(A), the newly designated paragraph (a)(7)(iii)(B), (a)(8)(ii)(C), (a)(8)(iii), (a)(11), (b)(2)(i), (b)(2)(ii), (c)(2)(i) and (c)(2)(ii), and (d)(4).

c. Add paragraph (e)(2)(iv) to read as follows:

§ 679.20 General limitations.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(A) *BSAI seasonal allowances—(1) Inshore, catcher/processor, mothership, and CDQ components.* The portions of the BSAI area pollock directed fishing allowances allocated to each component under Sections 206(a) and 206(b) of the AFA will be divided into two seasonal allowances corresponding to the two fishing seasons set out at § 679.23(e)(2), as follows: A Season, 40 percent; B Season, 60 percent.

(2) *Inseason adjustments.* Within any fishing year, the Regional Administrator may add or subtract any under harvest or over harvest of a seasonal allowance for a component to the subsequent seasonal allowance for the component through notification published in the **Federal Register**.

(B) *Steller sea lion conservation area (SCA) harvest limit.* For each component under Sections 206(a) and 206(b) of the AFA and for the open access fishery, no more than 28 percent of the annual pollock directed fishery allowance may be taken from the SCA before April 1. The SCA is defined at § 679.22(a)(7)(vii).

* * * * *

(ii) * * *

(B) *GOA Western and Central Regulatory Areas seasonal apportionments.* Each apportionment established under paragraph (a)(5)(ii)(A) of this section will be divided into four seasonal apportionments corresponding to the four fishing seasons set out at § 679.23(d)(2) as follows: A Season, 25 percent; B Season, 25 percent; C Season, 25 percent; and D Season, 25 percent. Within any fishing year, under harvest or over harvest of a seasonal apportionment may be added to or subtracted from remaining seasonal apportionments in a manner to be determined by the Regional Administrator, provided that any revised seasonal apportionment does not exceed 30 percent of the annual TAC apportionment for a GOA regulatory area.

* * * * *

(6) * * *

(ii) *GOA pollock.* The apportionment of pollock in all GOA regulatory areas and for each seasonal apportionment described in paragraph (a)(5)(ii) of this section will be allocated entirely to vessels catching pollock for processing by the inshore component in the GOA after subtraction of an amount that is projected by the Regional Administrator to be caught by, or delivered to, the offshore component in the GOA incidental to directed fishing for other groundfish species.

(iii) *GOA Pacific cod.* The apportionment of Pacific cod in all GOA regulatory areas will be allocated 90 percent to vessels catching Pacific cod for processing by the inshore component in the GOA and 10 percent to vessels catching Pacific cod for processing by the offshore component in the GOA.

* * * * *

(7) * * *

(i) * * *

(C) * * *

(2) Harvest of Pacific cod by catcher vessels less than 60 ft (18.3 m) LOA using pot gear:

(i) Will accrue against the 18.3 percent specified in paragraph (a)(7)(i)(C)(1)(iii) of this section when the Pacific cod fishery for vessels equal to or greater than 60 ft (18.3 m) LOA using pot gear is open.

(ii) Will accrue against the 1.4 percent specified in paragraph (a)(7)(i)(C)(1)(iv) of this section when the Pacific cod fishery for vessels equal to or greater than 60 ft (18.3 m) LOA using pot gear is closed.

(3) Harvest of Pacific cod by catcher vessels less than 60 ft (18.3 m) LOA using hook-and-line gear:

(i) Will accrue against the 0.3 percent specified in paragraph (a)(7)(i)(C)(1)(ii) of this section when the Pacific cod fishery for vessels equal to or greater than 60 ft (18.3 m) LOA using hook-and-line gear is open.

(ii) Will accrue against the 1.4 percent specified in paragraph (a)(7)(i)(C)(1)(iv) of this section when the Pacific cod fishery for vessels equal to or greater than 60 ft (18.3 m) LOA using hook-and-line gear is closed.

* * * * *

(ii) * * *

(A) *Reallocation within the trawl sector.* If, during a fishing season, the Regional Administrator determines that either component of catcher vessels using trawl gear or catcher/processors using trawl gear will not be able to harvest the entire amount of Pacific cod in the BSAI allocated to those vessels under paragraph (a)(7)(i), (a)(7)(ii)(C), or (a)(7)(iii)(A) of this section, he/she may reallocate the projected unused amount of Pacific cod to vessels using trawl gear in the other component through notification in the **Federal Register** before any reallocation to vessels using other gear type(s).

* * * * *

(D) *Unused seasonal allowance for trawl.* Any unused portion of a seasonal allowance of Pacific cod for vessels using trawl gear under paragraph (a)(7)(ii) or (a)(7)(iii)(A) of this section may be reapportioned by the Regional

Administrator to the subsequent seasonal allocations for vessels using trawl gear. (iii) * * *

(A) *Seasonal apportionment and gear allocations.* The Pacific cod BSAI gear allocations and apportionments by seasons, as specified in § 679.23 (e)(5), are as follows:

Gear Type	A season	B season	C season
(1) trawl	60 percent	20 percent	20 percent
(i) trawl CV	70 percent	10 percent	20 percent
(ii) trawl CP	50 percent	30 percent	20 percent
(2) hook-and-line ≥ 60 ft (18.3 m) LOA, non-CDQ pot vessels ≥ 60 ft (18.3 m) LOA, and jig vessels	60 percent	40 percent	
(3) all other nontrawl vessels	no seasonal apportionment		

(B) *Unused seasonal allowances.* Any unused portion of a seasonal allowance of Pacific cod allocated to vessels using hook-and-line or pot gear under paragraph (a)(7)(i)(C) of this section will be reallocated to the remaining seasons during the current fishing year in a manner determined by NMFS, after consultation with the Council.

(8) * * *

(ii) * * *

(C) *Harvest limit area (HLA) limits.* Atka mackerel harvest is limited in the HLA, as defined in § 679.2, as follows:

(1) The Regional Administrator will establish an HLA harvest limit of no more than 60 percent of the seasonal TAC as specified in paragraph (a)(8)(ii)(A) of this section.

(2) *CDQ fishing.* A CDQ group is prohibited from exceeding the CDQ portion of the percentage of annual Atka mackerel in areas 542 and/or 543 specified in paragraph (a)(8)(ii)(C)(1) of this section for the HLA.

(iii) *Atka mackerel HLA directed fishing--(A) Registration.* All vessels using trawl gear to conduct directed fishing for Atka mackerel in the HLA, as defined in § 679.2, are required to register with NMFS. To register, the vessel owner or operator must provide information required by § 679.4(b)(5)(vi) for an endorsement to the vessel's Federal Fisheries Permit issued under § 679.4.

(1) To participate in the A season HLA fishery, registration information

must be received by NMFS, Restricted Access Management Program, by 4:30 p.m., A.l.t., of the first working day following January 1.

(2) To participate in the B season HLA fishery,

(i) The vessel must be registered for the A season HLA fishery and must maintain registration for the HLA fishery through the first working day following July 31, or

(ii) The vessel must be registered for the HLA fishery with NMFS, Restricted Access Management Program, by 4:30 p.m., A.l.t., of the first working day following July 31.

(B) *HLA assignment.* For each season, NMFS will manage the HLA directed fishery for the vessels registered to fish in areas 542 or 543 under paragraph (a)(8)(iii)(A) of this section as follows:

(1) *Lottery.* The Regional Administrator or his/her designee will randomly assign each vessel to one of two directed fisheries for each statistical area in which the vessel is registered under paragraph (a)(8)(iii)(A) of this section. Each HLA directed fishery within a statistical area will be assigned an equal number of vessels unless there is an odd number of vessels under paragraph (a)(8)(iii)(A) of this section. In the case of an odd number of vessels, the Regional Administrator or his/her designee will assign one additional vessel to one HLA directed fishery. Vessels registering under paragraph (a)(8)(iii)(A) of this section to fish in

both area 542 and area 543 will be randomly assigned to an HLA directed fishery in area 542 and will be placed in the area 543 HLA directed fishery occurring at an alternate time during the season.

(2) *Notification.* The Regional Administrator will provide the results of the lottery under (a)(8)(iii)(B)(1) of this section by notification published in the **Federal Register** and other means of practicable notification.

(C) *HLA directed fisheries.* 48 hours after a prohibited directed fishing for Atka mackerel in area 541, the Regional Administrator will allow directed fishing within the HLA in areas 542 and 543. The Regional Administrator will provide notification by publication in the **Federal Register** of the opening and closure dates of the HLA directed fisheries, as determined by paragraph (a)(8)(iii)(E) of this section. Closures specified in Table 6 to this part and in § 679.22(a)(8) will remain in effect.

(D) *HLA harvest limit.* The Regional Administrator will establish the harvest limit for each HLA directed fishery for each area based on the seasonal apportionment at paragraph (a)(8)(ii)(C) of this section and in proportion to the number of vessels in an HLA directed fishery compared to the total number of vessels fishing in the HLA of an area during a season.

(E) *HLA directed fishery closure.* The Regional Administrator will establish the closure date of the Atka mackerel

HLA directed fishery for each statistical area based on the estimated fishing capacity of vessels registered to fish in the area and assigned to the HLA directed fishery under paragraph (a)(8)(iii)(B) of this section. Each HLA directed fishery will last no longer than 14 days.

(F) *Groundfish directed fishery prohibition.* Vessels registering under paragraph (a)(8)(iii)(A) of this section are prohibited from participating in any groundfish directed fishery other than the one assigned under paragraph (a)(8)(iii)(B) of this section during the opening of the first HLA directed fishery assigned to the vessel in a season, as specified in § 679.7(a)(19).

* * * * *
(11) *GOA Pacific cod TAC—(i) Seasonal apportionment.* The TAC established for Pacific cod in the Western and Central Regulatory Areas of the GOA will be divided 60 percent to the A season and 40 percent to the B season, as specified in § 679.23(d)(3).

(ii) The Regional Administrator may apply any underage or overage of Pacific cod harvest from one season to the subsequent season. In adding or subtracting any underages or overages to the subsequent season, the Regional Administrator shall consider bycatch needed to optimize catch by gear groups and sectors.

(iii) Pacific cod catch between the A and B seasons. Pacific cod harvested between the closure of the A season and opening of the B season shall be deducted from the B season TAC apportionment.

* * * * *

(b) * * *
(2) * * *

(i) *Pollock inshore-offshore reapportionment.* Any amounts of the GOA reserve that are reapportioned to pollock as provided by paragraph (b) of this section must be apportioned for processing by the inshore component in the GOA and the offshore component in the GOA in the same proportions specified in paragraph (a)(6)(ii) of this section.

(ii) *Pacific Cod inshore-offshore reapportionment.* Any amounts of the GOA reserve that are reapportioned to Pacific cod as provided by paragraph (b) of this section must be apportioned for processing by the inshore component in the GOA and the offshore component in the GOA in the same proportion specified in paragraph (a)(6)(iii) of this section.

* * * * *

(c)
(2)

(i) GOA. One-fourth of each proposed TAC and apportionment thereof (not

including the reserves or the first seasonal allowances of pollock or Pacific cod), one-fourth of the proposed halibut prohibited species catch amounts, and the proposed first seasonal allowances of pollock and Pacific cod.

(ii) *BSAI.* Except for pollock, Pacific cod, Atka mackerel, and the hook-and-line and pot gear allocation of sablefish, one quarter of each proposed initial TAC and apportionment thereof, one quarter of each CDQ reserve established by paragraph (b)(1)(iii) of this section, and one quarter of the proposed PSQ reserve and prohibited species catch allowances established by § 679.21.

(A) The interim specifications for pollock, Pacific cod, and Atka mackerel will be equal to the first seasonal allowances for pollock, Pacific cod, and Atka mackerel that are published in the proposed specifications under paragraph (c)(1) of this section.

(B) The interim specifications for CDQ pollock, CDQ Atka mackerel, and CDQ Pacific cod will be equal to the first seasonal allowances that are published in the proposed specifications under paragraph (c)(1) of this section.

* * * * *

(d) * * *

(4) *Harvest control for pollock, Atka mackerel, and Pacific cod.* If a biological assessment of stock condition for pollock, Pacific cod, or Atka mackerel within an area projects that the spawning biomass in that area will be equal to or below 20 percent of the projected unfished spawning biomass during a fishing year, the Regional Administrator will prohibit the directed fishery for the relevant species within the area. The Regional Administrator will prohibit the directed fishery under this paragraph by notification published in the **Federal Register**. The directed fishery will remain closed until a subsequent biological assessment projects that the spawning biomass for the species in the area will exceed 20 percent of the projected unfished spawning biomass during a fishing year.

* * * * *

(e) * * *
(2) * * *

(iv) The maximum retainable amount for vessels fishing during an individual fishing trip in areas closed to directed fishing and in areas open to directed fishing is the lowest maximum retainable amount applicable to the prohibited species or species group in any of these areas, and this maximum retainable amount must be applied for the duration of the individual fishing trip.

* * * * *

7. In § 679.22, paragraphs (a)(5), (a)(7), (a)(8), (b)(2), and (b)(3) are revised to read as follows:

§ 679.22 Closures.

(a) * * *

(5) *Catcher Vessel Operational Area (CVOA)—(i) Definition.* The CVOA is defined as that part of the BSAI that is south of 56°00' N lat. and between 163°00' W long. and 167°30' W long., and north of the Aleutian Islands (Figure 2 to part 679).

(ii) *Catcher/processor restrictions.* A catcher/processor vessel authorized to fish for BSAI pollock under § 679.4 is prohibited from conducting directed fishing for pollock in the CVOA during the B pollock season defined at § 679.23(e)(2)(ii), unless it is operating under a CDP approved by NMFS.

* * * * *

(7) *Steller sea lion protection areas, Bering Sea subarea—(i) Bogoslof area—(A) Boundaries.* The Bogoslof area consists of all waters of area 518 as described in Figure 1 of this part south of a straight line connecting 55°00' N lat./170°00' W long., and 55°00' N lat./168°11'4.75" W long.;

(B) *Fishing prohibition.* All waters within the Bogoslof area are closed to directed fishing for pollock, Pacific cod, and Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b), except as provided in paragraph (a)(7)(i)(C) of this section.

(C) *Bogoslof Pacific cod exemption area.* (1) All catcher vessels less than 60 ft (18.3 m) LOA using jig or hook-and-line gear for directed fishing for Pacific cod are exempt from the Pacific cod fishing prohibition as described in paragraph (a)(7)(i)(B) of this section in the portion of the Bogoslof area south of a line connecting a point 3 nm north of Bishop Point (54°01'25" N lat./166°57'00" W long.) to Cape Tanak (53°33'50" N lat./168°00'00" W long.), not including waters of the Bishop Point Pacific cod fishing closures as described in Table 5 of this part.

(2) If the Regional Administrator determines that 113 mt of Pacific cod have been caught by catcher vessels less than 60 ft (18.3 m) LOA using jig or hook-and-line gear in the exemption area described in paragraph (a)(7)(i)(C)(1) of this section, the Regional Administrator will prohibit directed fishing for Pacific cod by catcher vessels less than 60 ft (18.3 m) LOA using jig or hook-and-line gear in the exemption area by notification published in the **Federal Register**.

(ii) *Bering Sea Pollock Restriction Area.* (A) *Boundaries.* The Bering Sea Pollock Restriction Area consists of all waters of the Bering Sea subarea south

of a line connecting the points 163°00' W long./55°46'30" N lat., 165°08'00" W long./54°42'9" N lat., 165°40'00" W long./54°26'30" N lat., 166°12'00" W long./54°18'40" N lat., and 167°0'00" W long./54°8'50" N lat.

(B) *Fishing prohibition.* All waters within the Bering Sea Pollock Restriction Area are closed during the A season, as defined in § 679.23(e)(2), to directed fishing for pollock by vessels named on a Federal Fisheries Permit under § 679.4(b).

(iii) *Groundfish closures.* Directed fishing for groundfish by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within 3 nm of selected sites. These sites are listed in Table 12 of this part and are identified by "Bering Sea" in column 2.

(iv) *Pollock closures.* Directed fishing for pollock by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within pollock no-fishing zones around selected sites. These sites are listed in Table 4 of this part and are identified by "Bering Sea" in column 2.

(v) *Pacific cod closures.* Directed fishing for Pacific cod by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl, hook-and-line, or pot gear is prohibited within the Pacific cod no-fishing zones around selected sites. These sites and gear types are listed in Table 5 of this part and are identified by "BS" in column 2.

(vi) *Atka mackerel closures.* Directed fishing for Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl gear is prohibited within Atka mackerel no-fishing zones around selected sites. These sites are listed in Table 6 of this part and are identified by "Bering Sea" in column 2.

(vii) *Steller sea lion conservation area (SCA)—(A) General.* Directed fishing for pollock by vessels catching pollock for processing by the inshore component, catcher/processors in the offshore component, motherships in the offshore component, or directed fishing for CDQ pollock, is prohibited within the SCA until April 1 when the Regional Administrator announces, by notification in the **Federal Register**, that the criteria set out in paragraph (a)(7)(vii)(C) of this section have been met by that industry component.

(B) *Boundaries.* The SCA consists of the area of the Bering Sea subarea between 170°00' W long. and 163°00' W long., south of straight lines connecting the following points in the order listed:

55°00' N lat. 170°00' W long.;
55°00' N lat. 168°00' W long.;
55°30' N lat. 168°00' W long.;
55°30' N lat. 166°00' W long.;

56°00' N lat. 166°00' W long.; and,
56°00' N lat. 163°00' W long.

(C) *Criteria for closure—1) General.* The directed fishing closures identified in paragraph (a)(7)(vii)(A) of this section will take effect when the Regional Administrator determines that the harvest limit for pollock within the SCA, as specified in § 679.20(a)(5)(i)(B) is reached before April 1. The Regional Administrator shall prohibit directed fishing for pollock in the SCA by notification published in the **Federal Register**.

(2) *Inshore catcher vessels greater than 99 ft (30.2 m) LOA.* The Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit before April 1 to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA until April 1. The Regional Administrator will estimate how much of the inshore seasonal allowance is likely to be harvested by catcher vessels less than or equal to 99 ft (30.2 m) LOA and reserve a sufficient amount of the inshore SCA allowance to accommodate fishing by such vessels after the closure of the SCA to inshore vessels greater than 99 ft (30.2 m) LOA. The Regional Administrator will prohibit directed fishing for all inshore catcher vessels within the SCA when the harvest limit specified in § 679.20(a)(5)(i)(B) has been met before April 1.

(8) *Steller sea lion protection areas, Aleutian Islands subarea—(i) Seguam Foraging area.* (A) The Seguam foraging area is all waters within the area between 52°N lat. and 53° N lat. and between 173°30' W long. and 172°30' W long.

(B) Directed fishing for pollock, Pacific cod, and Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited in the Seguam Foraging area as described in paragraph (a)(8)(i)(A) of this section.

(ii) *Pollock Closure.* Directed fishing for pollock by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within the pollock no-fishing zones around selected sites. These sites are listed in Table 4 of this part and are identified by "Aleutian I." in column 2.

(iii) *Groundfish closures.* Directed fishing for groundfish by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within 3 nm of selected sites. These sites are listed in Table 12 of this part and are identified by "Aleutian Islands" in column 2.

(iv) *Pacific cod closures—(A) HLA Closure.* Directed fishing for Pacific cod

by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl gear is prohibited in the HLA in area 542 or area 543, as defined in § 679.2 when the Atka mackerel HLA directed fishery in area 542 or area 543 is open.

(B) *Gear specific closures.* Directed fishing for Pacific cod by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl, hook-and-line, or pot gear is prohibited within the Pacific cod no-fishing zones around selected sites. These sites and gear types are listed in Table 5 of this part and are identified by "AI" in column 2.

(v) *Atka mackerel closures.* Directed fishing for Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl gear is prohibited within Atka mackerel no-fishing zones around selected sites. These sites are listed in Table 6 of this part and are identified by "Aleutian Islands" in column 2.

* * * * *

(b) * * *

(2) *Steller sea lion protection areas—(i) Groundfish closures.* Directed fishing for groundfish by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within 3 nm of selected sites. These sites are listed in Table 12 of this part and are identified by "Gulf of Alaska" in column 2.

(ii) *Pollock closures.* Directed fishing for pollock by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within pollock no-fishing zones around selected sites. These sites are listed in Table 4 of this part and are identified by "Gulf of Alaska" in column 2.

(iii) *Pacific cod closures.* Directed fishing for Pacific cod by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl, hook-and-line, or pot gear in the federally managed Pacific cod or State of Alaska parallel groundfish fisheries, as defined in Alaska Administrative Code (5 AAC 28.087(c), January 3, 2002), is prohibited within Pacific cod no-fishing zones around selected sites. These sites and gear types are listed in Table 5 of this part and are identified by "GOA" in column 2.

(iv) *Atka mackerel closure.* Directed fishing for Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b) within the Gulf of Alaska subarea is prohibited at all times.

(3) *Chiniak Gully Research Area* (applicable through December 31, 2004).

(i) *Description of Chiniak Gully Research Area.* The Chiniak Gully Research Area is defined as that part of area 630 bounded by straight lines connecting the coordinates in the order listed:

57.81° N lat., 152.37° W long.;
57.81° N lat., 151.85° W long.;
57.22° N lat., 150.64° W long.;
56.98° N lat., 151.27° W long.;
57.62° N lat., 152.16° W long.; and
hence counterclockwise along the
shoreline of Kodiak Island to 57.81° N
lat., 152.37° W long.

(ii) *Closure*—(A) The Chiniak Gully Research Area is closed to vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl gear from August 1 to a date no later than September 20, except that trawl gear may be tested in the manner described at § 679.24(d)(2) in the Kodiak Test Area defined at § 679.24 (d)(4)(i) and illustrated in Figure 7 to this part.

(B) Prior to September 20, the Regional Administrator may publish notification in the **Federal Register** rescinding the trawl closure in the Chiniak Gully Research Area described in paragraph (b)(3)(ii)(A) of this section.

* * * * *

8. In § 679.23, paragraphs (d)(2), (d)(3), (e)(2), (e)(3), (e)(4)(iii), (e)(5) and (i) are revised to read as follows:

§ 679.23 Seasons.

* * * * *

(d) * * *

(2) *Directed fishing for pollock.*

Subject to other provisions of this part, directed fishing for pollock in the Western and Central Regulatory Areas is authorized only during the following four seasons:

(i) *A season.* From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., February 25;

(ii) *B season.* From 1200 hours, A.l.t., March 10 through 1200 hours, A.l.t., May 31;

(iii) *C season.* From 1200 hours, A.l.t., August 25 through 1200 hours, A.l.t., September 15; and

(iv) *D season.* From 1200 hours, A.l.t., October 1 through 1200 hours, A.l.t., November 1.

(B) *B season.* From 1200 hours, A.l.t., September 1 through 2400 hours, A.l.t., December 31.

(ii) *Trawl gear.* Subject to other provisions of this part, directed fishing for Pacific cod with trawl gear in the Western and Central Regulatory Areas is authorized only during the following two seasons:

(A) *A season.* From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., June 10; and

(B) *B season.* From 1200 hours, A.l.t., September 1 through 1200 hours, A.l.t., November 1.

* * * * *

(e) * * *

(2) *Directed fishing for pollock in the Bering Sea/Aleutian Islands area by inshore, offshore catcher/processor, and mothership components and pollock CDQ fisheries.* Subject to other

provisions of this part, directed fishing for pollock by vessels catching pollock for processing by the inshore component, catcher/processors in the offshore component, and motherships in the offshore component in the Bering Sea/Aleutian Islands area or directed fishing for CDQ pollock in the Bering Sea/Aleutian Islands area is authorized only during the following two seasons:

(i) *A season.* From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., June 10; and

(ii) *B season.* From 1200 hours, A.l.t., June 10 through 1200 hours, A.l.t., November 1.

(3) *Directed fishing for Atka mackerel with trawl gear.* Subject to other provisions of this part, non-CDQ directed fishing for Atka mackerel with trawl gear in the Aleutian Islands subarea is authorized only during the following two seasons:

(i) *A season.* From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., April 15; and

(ii) *B season.* From 1200 hours, A.l.t., September 1 through 1200 hours, A.l.t., November 1.

* * * * *

(4) * * *

(iii) *Groundfish CDQ.* Fishing for groundfish CDQ species, other than CDQ pollock; hook-and-line, jig, or trawl CDQ Pacific cod; and fixed gear CDQ sablefish under subpart C of this part, is authorized from 0001 hours, A.l.t., January 1 through the end of each fishing year, except as provided under paragraph (c) of this section.

(5) *Directed fishing for Pacific cod—*
(i) *Hook-and-line and jig gear.* Subject to other provisions of this part, directed fishing for CDQ and non-CDQ Pacific cod with vessels equal to or greater than 60 ft (18.3 m) LOA using hook-and-line

gear and with vessels using jig gear in the BSAI is authorized only during the following two seasons:

(A) *A season.* From 0001 hours, A.l.t., January 1 through 1200 hours, A.l.t., June 10; and

(B) *B season.* From 1200 hours, A.l.t., June 10 through 2400 hours, A.l.t., December 31.

(ii) *Trawl gear.* Subject to other provisions of this part, directed fishing for CDQ and non-CDQ Pacific cod with trawl gear in the BSAI is authorized only during the following three seasons:

(A) *A season.* From 1200 hours, A.l.t., January 20 through 1200 hours, A.l.t., April 1;

(B) *B season.* From 1200 hours, A.l.t., April 1 through 1200 hours, A.l.t., June 10; and

(C) *C season.* From 1200 hours, A.l.t., June 10 through 1200 hours, A.l.t., November 1.

(iii) *Pot gear.* Subject to other provisions of this part, non-CDQ directed fishing for Pacific cod with vessels equal to or greater than 60 ft (18.3 m) LOA using pot gear in the BSAI is authorized only during the following two seasons:

(A) *A season.* From 0001 hours, A.l.t., January 1 through 1200 hours, A.l.t., June 10; and

(B) *B season.* From 1200 hours, A.l.t., September 1 through 2400 hours, A.l.t., December 31.

* * * * *

(i) *Catcher vessel exclusive fishing seasons for pollock.* Catcher vessels are prohibited from participating in directed fishing for pollock under the following conditions. Vessels less than 125 ft (38.1 m) LOA are exempt from this restriction when fishing east of 157°00' W long. GOA and BSAI seasons are specified at § 679.23(d)(2) and § 679.23(e)(2).

(3) *Directed fishing for Pacific cod (i) Hook-and-line, pot, or jig gear.* Subject to other provisions of this part, directed fishing for Pacific cod with hook-and-line, pot, or jig gear in the Western and Central Regulatory Areas is authorized only during the following two seasons:

(A) *A season.* From 0001 hours, A.l.t., January 1 through 1200 hours, A.l.t., June 10; and

	If you own or operate a catcher vessel and engage in directed fishing for pollock in the	During the...	Then you are prohibited from subsequently engaging in directed fishing for pollock with that catcher vessel in the...
(1)	BSAI	(i) A season	GOA until the following C season
		(ii) B season	GOA until the A season of the next year
(2)	GOA	(i) A season	BSAI until the following B season
		(ii) B season	BSAI until the following B season
		(iii) C season	BSAI until the A season of the following year
		(iv) D season	BSAI until the A season of the following year

9. In § 679.28, paragraphs (f)(3)(ii) and (f)(3)(iii) are revised, and paragraphs (f)(4), (f)(5), and (f)(6) are added to read as follows:

§ 679.28 Equipment and operational requirements.

* * * * *

- (f) * * *
- (3) * * *

(ii) Activate the VMS transmitter and receive confirmation from NMFS that the VMS transmissions are being received before engaging in operations when a VMS is required.

(iii) Continue the VMS transmissions until no longer engaged in operations requiring VMS.

* * * * *

(4) What must the vessel owner do before activating a VMS transmitter for the first time? If you are a vessel owner who must use a VMS and you are activating a VMS transmitter for the first time, you must:

(i) Contact the NMFS enforcement division by FAX at 907-586-7703 and provide: the VMS transmitter ID, the vessel name, the Federal Fisheries Permit number, and approximately

when and where the vessel will begin fishing.

(ii) Call NMFS enforcement at 907-586-7225, Monday through Friday, between the hours of 0800 hours, A.l.t., and 1630 hours, A.l.t., at least 72 hours before leaving port and receive confirmation that the transmissions are being received.

(5) *What must the vessel owner do when the vessel replaces a VMS transmitter?* If you are a vessel owner who must use a VMS and you wish to replace a transmitter, you must either:

(i) Have followed the reporting and confirmation procedure for the replacement transmitter, as described above in paragraph (f)(4) of this section, or

(ii) Contact the NMFS Enforcement Division by phone or FAX and provide: the replacement VMS transmitter ID, the vessel name and the vessel's Federal Fisheries Permit Number and receive confirmation that the transmissions are being received before beginning operations.

(6) *When must the VMS transmitter be transmitting?* Your vessel's transmitter must be transmitting if the vessel is operating in any Reporting Area (see

definitions at § 679.2) off Alaska while any fishery requiring VMS, for which the vessel has a species and gear endorsement on its Federal Fisheries Permit under § 679.4(b)(5)(vi), is open.

§ 679.32 [Amended]

10. In § 679.32, paragraph (e) is removed and reserved.

11. In § 679.50, paragraph (c)(1)(x) is revised to read as follows:

§ 679.50 Groundfish Observer Program applicable through December 31, 2007.

* * * * *

(c) * * *

(1) * * *(x) A vessel directed fishing with trawl gear for Atka mackerel in the Aleutian Islands subarea must carry two NMFS-certified observers at all times while directed fishing for Atka mackerel in the HLA directed fishery, as specified in § 679.20(a)(8).

* * * * *

12. In 50 CFR part 679, Tables 21, 22, 23, and 24 are deleted, Tables 4, 5, and 6 are revised, Table 12 is added, and Table 13 is removed and reserved to read as follows:

Table 4 to 50 CFR Part 679 Steller Sea Lion Protection Areas Pollock Fisheries Restrictions

Column Number 1	2	3		4		5		7
		Boundaries from		Boundaries to ¹				
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	Pollock No-fishing Zones for Trawl Gear ^{2,6} (nm)
St. Lawrence I./S Punuk I.	Bering Sea	63 04.00 N	168 51.00 W					20
St. Lawrence I./SW Cape Hall I.	Bering Sea	63 18.00 N	171 26.00 W					20
St. Paul I./Sea Lion Rock	Bering Sea	60 37.00 N	173 00.00 W					20
St. Paul I./NE Pt.	Bering Sea	57 06.00 N	170 17.50 W					3
Walrus I. (Pribilofs)	Bering Sea	57 15.00 N	170 06.50 W					3
St. George I./Dalnoi Pt.	Bering Sea	57 11.00 N	169 56.00 W					10
St. George I./S Rookery	Bering Sea	56 36.00 N	169 46.00 W					3
Cape Newenham	Bering Sea	56 33.50 N	169 40.00 W					3
Round (Walrus Islands)	Bering Sea	58 39.00 N	162 10.50 W					20
Attu I./Cape Wrangell	Aleutian I.	58 36.00 N	159 58.00 W					20
Agattu I./Gillon Pt.	Aleutian I.	52 54.60 N	172 27.90 E	52 55.40 N	172 27.20 E			20
Attu I./Chirikof Pt.	Aleutian I.	52 24.13 N	173 21.31 E					20
Agattu I./Cape Sabak	Aleutian I.	52 49.75 N	173 26.00 E					20
Alaid I.	Aleutian I.	52 22.50 N	173 43.30 E	52 21.80 N	173 41.40 E			20
Shemya I.	Aleutian I.	52 46.50 N	173 51.50 E	52 45.00 N	173 56.50 E			20
Buldir I.	Aleutian I.	52 44.00 N	174 08.70 E					20
Kiska I./Cape St. Stephen	Aleutian I.	52 20.25 N	175 54.03 E	52 20.38 N	175 53.85 E			20
Kiska I./Sobaka & Vega	Aleutian I.	51 52.50 N	177 12.70 E	51 53.50 N	177 12.00 E			20
Kiska I./Lief Cove	Aleutian I.	51 49.50 N	177 19.00 E	51 48.50 N	177 20.50 E			20
Kiska I./Sirius Pt.	Aleutian I.	51 57.16 N	177 20.41 E	51 57.24 N	177 20.53 E			20
	Aleutian I.	52 08.50 N	177 36.50 E					20

Column Number 1	2	3	4		5	6		7
			Boundaries from			Boundaries to ¹		
			Latitude	Longitude		Latitude	Longitude	
Site Name	Area or Subarea							Pollock No-fishing Zones for Trawl Gear ^{2,8} (nm)
Tanadak I. (Kiska)	Aleutian I.	51 56.80 N	177 46.80 E					20
Segula I.	Aleutian I.	51 59.90 N	178 05.80 E	52 03.06 N	178 08.80 E			20
Ayugadak Point	Aleutian I.	51 45.36 N	178 24.30 E					20
Rat I./Krysi Pt.	Aleutian I.	51 49.98 N	178 12.35 E					20
Little Sitkin I.	Aleutian I.	51 59.30 N	178 29.80 E					20
Amchitka I./Column Rocks	Aleutian I.	51 32.32 N	178 49.28 E					20
Amchitka I./East Cape	Aleutian I.	51 22.26 N	179 27.93 E	51 22.00 N	179 27.00 E			20
Amchitka I./Cape Ivakin	Aleutian I.	51 24.46 N	179 24.21 E					20
Semisopochnoi/Petrel Pt.	Aleutian I.	52 01.40 N	179 36.90 E	52 01.50 N	179 39.00 E			20
Semisopochnoi I./Pochnoi Pt.	Aleutian I.	51 57.30 N	179 46.00 E					20
Amatignak I. Nitrof Pt.	Aleutian I.	51 13.00 N	179 07.80 W					20
Unalga & Dinkum Rocks	Aleutian I.	51 33.67 N	179 04.25 W	51 35.09 N	179 03.66 W			20
Ulak I./Hasgox Pt.	Aleutian I.	51 18.90 N	178 58.90 W	51 18.70 N	178 59.60 W			20
Kavalga I.	Aleutian I.	51 34.50 N	178 51.73 W	51 34.50 N	178 49.50 W			20
Tag I.	Aleutian I.	51 33.50 N	178 34.50 W					20
Ugidak I.	Aleutian I.	51 34.95 N	178 30.45 W					20
Gramp Rock	Aleutian I.	51 28.87 N	178 20.58 W					20
Tanaga I./Bumpy Pt.	Aleutian I.	51 55.00 N	177 58.50 W	51 55.00 N	177 57.10 W			20
Bobrof I.	Aleutian I.	51 54.00 N	177 27.00 W					20
Kanaga I./Ship Rock	Aleutian I.	51 46.70 N	177 20.72 W					20
Kanaga I./North Cape	Aleutian I.	51 56.50 N	177 09.00 W					20
Adak I.	Aleutian I.	51 35.50 N	176 57.10 W	51 37.40 N	176 59.60 W			20
Little Tanaga Strait	Aleutian I.	51 49.09 N	176 13.90 W					20

Column Number 1	2	3		4		5		7
		Boundaries from		Boundaries to ¹		Pollock No-fishing Zones for Trawl Gear 2,8 (nm)		
		Latitude	Longitude	Latitude	Longitude			
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	
Great Sitkin I.	Aleutian I.	52 06.00 N	176 10.50 W	52 06.60 N	176 07.00 W			20
Anagaksik I.	Aleutian I.	51 50.86 N	175 53.00 W					20
Kasatochi I.	Aleutian I.	52 11.11 N	175 31.00 W					20
Atka I./North Cape	Aleutian I.	52 24.20 N	174 17.80 W					20
Amlia I./Sviech. Harbor ¹¹	Aleutian I.	52 01.80 N	173 23.90 W					20
Sagigik I. ¹¹	Aleutian I.	52 00.50 N	173 09.30 W					20
Amlia I./East ¹¹	Aleutian I.	52 05.70 N	172 59.00 W	52 05.75 N	172 57.50 W			20
Tanadak I. (Amlia ¹¹)	Aleutian I.	52 04.20 N	172 57.60 W					20
Agligadak I. ¹¹	Aleutian I.	52 06.09 N	172 54.23 W					20
Seguam I./Saddleridge Pt. ¹¹	Aleutian I.	52 21.05 N	172 34.40 W	52 21.02 N	172 33.60 W			20
Seguam I./Finch Pt.	Aleutian I.	52 23.40 N	172 27.70 W	52 23.25 N	172 24.30 W			20
Seguam I./South Side	Aleutian I.	52 21.60 N	172 19.30 W	52 15.55 N	172 31.22 W			20
Amukta I. & Rocks	Aleutian I.	52 27.25 N	171 17.90 W					20
Chagulak I.	Aleutian I.	52 34.00 N	171 10.50 W					20
Yunaska I.	Aleutian I.	52 41.40 N	170 36.35 W					20
Uliaga ³	Bering Sea	53 04.00 N	169 47.00 W	53 05.00 N	169 46.00 W			10
Chuginadak	Gulf of Alaska	52 46.70 N	169 41.90 W					20
Kagamil ³	Bering Sea	53 02.10 N	169 41.00 W					10
Samalga	Gulf of Alaska	52 46.00 N	169 15.00 W					20
Adugak I. ³	Bering Sea	52 54.70 N	169 10.50 W					10
Umnak I./Cape Aslik ³	Bering Sea	53 25.00 N	168 24.50 W					BA
Ogchul I.	Gulf of Alaska	52 59.71 N	168 24.24 W					20
Bogoslof I./Fire I. ³	Bering Sea	53 55.69 N	168 02.05 W					BA

Column Number 1	2	3	4		5	6		7
			Boundaries from			Boundaries to ¹		
			Latitude	Longitude		Latitude	Longitude	
Site Name	Area or Subarea							Pollock No-fishing Zones for Trawl Gear ^{2,8} (nm)
Polivnoi Rock	Gulf of Alaska	53 15.96 N	167 57.99 W					20
Emerald I.	Gulf of Alaska	53 17.50 N	167 51.50 W					20
Unalaska/Cape Izigan	Gulf of Alaska	53 13.64 N	167 39.37 W					20
Unalaska/Bishop Pt. ⁹	Bering Sea	53 58.40 N	166 57.50 W					10
Akutan I./Reef-lava ⁹	Bering Sea	54 08.10 N	166 06.19 W	54 09.10 N	166 05.50 W			10
Unalaska I./Cape Sedanka ⁶	Gulf of Alaska	53 50.50 N	166 05.00 W					20
Old Man Rocks ⁶	Gulf of Alaska	53 52.20 N	166 04.90 W					20
Akutan I./Cape Morgan ⁶	Gulf of Alaska	54 03.39 N	165 59.65 W	54 03.70 N	166 03.68 W			20
Akun I./Billings Head ⁹	Bering Sea	54 17.62 N	165 32.06 W	54 17.57 N	165 31.71 W			10
Rootok ⁶	Gulf of Alaska	54 03.90 N	165 31.90 W	54 02.90 N	165 29.50 W			20
Tanginak I. ⁶	Gulf of Alaska	54 12.00 N	165 19.40 W					20
Tigalda/Rocks NE ⁶	Gulf of Alaska	54 09.60 N	164 59.00 W	54 09.12 N	164 57.18 W			20
Unimak/Cape Sarichef ⁹	Bering Sea	54 34.30 N	164 56.80 W					10
Aiktak ⁶	Gulf of Alaska	54 10.99 N	164 51.15 W					20
Ugamak I. ⁶	Gulf of Alaska	54 13.50 N	164 47.50 W	54 12.80 N	164 47.50 W			20
Round (GOA) ⁶	Gulf of Alaska	54 12.05 N	164 46.60 W					20
Sea Lion Rock (Amak) ⁹	Bering Sea	55 27.82 N	163 12.10 W					10
Amak I. And rocks ⁹	Bering Sea	55 24.20 N	163 09.60 W	55 26.15 N	163 08.50 W			10
Bird I.	Gulf of Alaska	54 40.00 N	163 17.2 W					10
Caton I.	Gulf of Alaska	54 22.70 N	162 21.30 W					3
South Rocks	Gulf of Alaska	54 18.14 N	162 41.3 W					10
Clubbing Rocks (S)	Gulf of Alaska	54 41.98 N	162 26.7 W					10
Clubbing Rocks (N)	Gulf of Alaska	54 42.75 N	162 26.7 W					10

Column Number 1	2	3	4		5	6	7		
			Boundaries from					Boundaries to ¹	
			Latitude	Longitude				Latitude	Longitude
Site Name	Area or Subarea						Pollock No-fishing Zones for Trawl Gear ^{2,8} (nm)		
Pinnacle Rock	Gulf of Alaska	54 46.06 N	161 45.85 W				3		
Sushilnoi Rocks	Gulf of Alaska	54 49.30 N	161 42.73 W				10		
Olga Rocks	Gulf of Alaska	55 00.45 N	161 29.81 W	54 59.09 N	161 30.89 W		10		
Jude I.	Gulf of Alaska	55 15.75 N	161 06.27 W				20		
Sea Lion Rocks (Shumagins)	Gulf of Alaska	55 04.70 N	160 31.04 W				3		
Nagai I./Mountain Pt.	Gulf of Alaska	54 54.20 N	160 15.40 W	54 56.00 N	160 15.00 W		3		
The Whaleback	Gulf of Alaska	55 16.82 N	160 05.04 W				3		
Chernabura I.	Gulf of Alaska	54 45.18 N	159 32.99 W	54 45.87 N	159 35.74 W		20		
Castle Rock	Gulf of Alaska	55 16.47 N	159 29.77 W				3		
Atkins I.	Gulf of Alaska	55 03.20 N	159 17.40 W				20		
Spitz I.	Gulf of Alaska	55 46.60 N	158 53.90 W				3		
Mitrofanina	Gulf of Alaska	55 50.20 N	158 41.90 W				3		
Kak	Gulf of Alaska	56 17.30 N	157 50.10 W				20		
Lighthouse Rocks	Gulf of Alaska	55 46.79 N	157 24.89 W				20		
Sutwik I.	Gulf of Alaska	56 31.05 N	157 20.47 W	56 32.00 N	157 21.00 W		20		
Chowiet I.	Gulf of Alaska	56 00.54 N	156 41.42 W	55 00.30 N	156 41.60 W		20		
Nagai Rocks	Gulf of Alaska	55 49.80 N	155 47.50 W				20		
Chirikof I.	Gulf of Alaska	55 46.50 N	155 39.50 W	55 46.44 N	155 43.46 W		20		
Puale Bay	Gulf of Alaska	57 40.60 N	155 23.10 W				10		
Kodiak/Cape Ikolik	Gulf of Alaska	57 17.20 N	154 47.50 W				3		
Takli I.	Gulf of Alaska	58 01.75 N	154 31.25 W				10		
Cape Kuliak	Gulf of Alaska	58 08.00 N	154 12.50 W				10		
Cape Gull	Gulf of Alaska	58 11.50 N	154 09.60 W	58 12.50 N	154 10.50 W		10		

Column Number 1	2	3	4		5	6	7
Site Name	Area or Subarea	Boundaries from		Boundaries to ¹		Pollock No-fishing Zones for Trawl Gear ^{2,8} (nm)	
		Latitude	Longitude	Latitude	Longitude		
Kodiak/Cape Ugat	Gulf of Alaska	57 52.41 N	153 50.97 W				10
Sitkinak/Cape Sitkinak	Gulf of Alaska	56 34.30 N	153 50.96 W				10
Shakun Rock	Gulf of Alaska	58 32.80 N	153 41.50 W				10
Twoheaded I.	Gulf of Alaska	56 54.50 N	153 32.75 W	56 53.90 N	153 33.74 W		10
Cape Douglas (Shaw I.)	Gulf of Alaska	59 00.00 N	153 22.50 W				10
Kodiak/Cape Barnabas	Gulf of Alaska	57 10.20 N	152 53.05 W				3
Kodiak/Gull Point ⁴	Gulf of Alaska	57 21.45 N	152 36.30 W				10, 3
Latax Rocks	Gulf of Alaska	58 40.10 N	152 31.30 W				10
Ushagat I./SW	Gulf of Alaska	58 54.75 N	152 22.20 W				10
Ugak I. ⁴	Gulf of Alaska	57 23.60 N	152 17.50 W	57 21.90 N	152 17.40 W		10, 3
Sea Otter I.	Gulf of Alaska	58 31.15 N	152 13.30 W				10
Long I.	Gulf of Alaska	57 46.82 N	152 12.90 W				10
Sud I.	Gulf of Alaska	58 54.00 N	152 12.50 W				10
Kodiak/Cape Chiniak	Gulf of Alaska	57 37.90 N	152 08.25 W				10
Sugarloaf I.	Gulf of Alaska	58 53.25 N	152 02.40 W				20
Sea Lion Rocks (Marmot)	Gulf of Alaska	58 20.53 N	151 48.83 W				10
Marmot I. ⁵	Gulf of Alaska	58 13.65 N	151 47.75 W	58 09.90 N	151 52.06 W		15, 20
Nagahut Rocks	Gulf of Alaska	59 06.00 N	151 46.30 W				10
Perl	Gulf of Alaska	59 05.75 N	151 39.75 W				10
Gore Point	Gulf of Alaska	59 12.00 N	150 58.00 W				10
Outer (Pye) I.	Gulf of Alaska	59 20.50 N	150 23.00 W	59 21.00 N	150 24.50 W		20
Steep Point	Gulf of Alaska	59 29.05 N	150 15.40 W				10
Seal Rocks (Kenai)	Gulf of Alaska	59 31.20 N	149 37.50 W				10

Column Number 1	2	3	4	5	6	7
Site Name	Area or Subarea	Boundaries from		Boundaries to ¹		Pollock No-fishing Zones for Trawl Gear ^{2,8} (nm)
		Latitude	Longitude	Latitude	Longitude	
Chiswell Islands	Gulf of Alaska	59 36.00 N	149 34.00 W	59 51.00 N	149 24.70 W	10
Rugged Island	Gulf of Alaska	59 50.00 N	149 23.10 W			10
Point Elrington ^{7, 10}	Gulf of Alaska	59 56.00 N	148 15.20 W			20
Perry I. ⁷	Gulf of Alaska	60 44.00 N	147 54.60 W			
The Needle ⁷	Gulf of Alaska	60 06.64 N	147 36.17 W			
Point Eleanor ⁷	Gulf of Alaska	60 35.00 N	147 34.00 W			
Wooded I. (Fish I.)	Gulf of Alaska	59 52.90 N	147 20.65 W			20
Glacier Island ⁷	Gulf of Alaska	60 51.30 N	147 14.50 W			
Seal Rocks (Cordova) ¹⁰	Gulf of Alaska	60 09.78 N	146 50.30 W			20
Cape Hinchinbrook ¹⁰	Gulf of Alaska	60 14.00 N	146 38.50 W			20
Middleton I.	Gulf of Alaska	59 28.30 N	146 18.80 W			10
Hook Point ¹⁰	Gulf of Alaska	60 20.00 N	146 15.60 W			20
Cape St. Elias	Gulf of Alaska	59 47.50 N	144 36.20 W			20

¹ Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.

² Closures as stated in 50 CFR 679.22(a)(7)(iv), (a)(8)(ii) and (b)(2)(ii).

³ This site lies within the Bogoslof area (BA). The BA consists of all waters of area 518 as described in Figure 1 of this part south of a straight line connecting 55°00' N/170°00' W, and 55°00' N/168°11'4.75" W.

⁴ The trawl closure between 0 nm to 10 nm is effective from January 20 through May 31. Trawl closure between 0 nm to 3 nm is effective from August 25 through November 1.

⁵ Trawl closure between 0 nm to 15 nm is effective from January 20 through May 31. Trawl closure between 0 nm to 20 nm is effective from August 25 to November 1.

⁶ Restriction area includes only waters of the Gulf of Alaska Area.

⁷ Contact the Alaska Department of Fish and Game for fishery restrictions at these sites.

⁸ No-fishing zones are the waters between 0 nm and the nm specified in column 7 around each site and within the BA.

⁹ This site is located in the Bering Sea Pollock Restriction Area, closed to pollock trawling during the A season. This area consists of all waters of the Bering Sea subarea south of a line connecting the points 163° 0'00" W long./55°46'30" N lat., 165°08'00" W long./54°42'9" N lat., 165°40'00" long./54°26'30" N lat., 166°12'00" W long./54°18'40" N lat., and 167°0'00" W long./54°8'50" N lat.

¹⁰ The 20 nm closure around this site is effective in federal waters outside of State of Alaska waters of Prince William Sound.

¹¹ Some or all of the restricted area is located in the Segum Foraging area (SFA) which is closed to all gears types. The SFA is established as all waters within the area between 52° N lat. and 53° N lat. and between 173°30' W long. and 172°30' W long.

Table 5 to 50 CFR Part 679 Steller Sea Lion Protection Areas Pacific Cod Fisheries Restrictions

Column Number 1 Site Name	2 Area or Subarea	3 Boundaries from		4 Boundaries to ¹		5 Latitude	6 Longitude	7 Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	8 Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	9 Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)
		Latitude	Longitude	Latitude	Longitude					
St. Lawrence I./S Punuk I.	BS	63 04.00 N	168 51.00 W					20	20	20
St. Lawrence I./SW Cape Hall I.	BS	63 18.00 N	171 26.00 W					20	20	20
St. Paul I./Sea Lion Rock	BS	60 37.00 N	173 00.00 W					20	20	20
St. Paul I./NE Pt.	BS	57 06.00 N	170 17.50 W					3	3	3
Walrus I. (Pribilofs)	BS	57 15.00 N	170 06.50 W					3	3	3
St George I./Dalnoi Pt.	BS	57 11.00 N	169 56.00 W					10	3	3
St. George I./S. Rookery	BS	56 36.00 N	169 46.00 W					3	3	3
Cape Newenham	BS	56 33.50 N	169 40.00 W					3	3	3
Round (Walrus Islands)	BS	58 39.00 N	162 10.50 W					20	20	20
Attu I./Cape Wrangell ¹¹	AI	58 36.00 N	159 58.00 W					20	20	20
Agattu I./Gillon Pt. ¹¹	AI	52 54.60 N	172 27.90 E	52 55.40 N	172 27.20 E			20, 10	3	3
Attu I./Chirikof Pt. ¹¹	AI	52 24.13 N	173 21.31 E					20, 10	3	3
Agattu I./Cape Sabak ¹¹	AI	52 49.75 N	173 26.00 E					20, 3		
Alaid I. ¹¹	AI	52 22.50 N	173 43.30 E	52 21.80 N	173 41.40 E			20, 10	3	3
Shemya I. ¹¹	AI	52 46.50 N	173 51.50 E	52 45.00 N	173 56.50 E			20, 3		
Buldir I. ¹¹	AI	52 44.00 N	174 08.70 E					20, 3		
Kiska I./Cape St. Stephen ¹¹	AI	52 20.25 N	175 54.03 E	52 20.38 N	175 53.85 E			20, 10	10	10
	AI	51 52.50 N	177 12.70 E	51 53.50 N	177 12.00 E			20, 10	3	3

Column Number 1	2	3	4	5		6	7	8	9
				Boundaries to ¹					
Site Name	Area or Subarea	Boundaries from		Boundaries to ¹		Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for fishing Pot Gear ^{2,3} (nm)	
		Latitude	Longitude	Latitude	Longitude				
Kiska I. Sobaka & Vega ¹¹	AI	51 49.50 N	177 19.00 E	51 48.50 N	177 20.50 E	20, 3			
Kiska I./Lief Cove ¹¹	AI	51 57.16 N	177 20.41 E	51 57.24 N	177 20.53 E	20, 10	3	3	
Kiska I./Sirius Pt. ¹¹	AI	52 08.50 N	177 36.50 E			20, 3			
Tanadak I. (Kiska) ¹¹	AI	51 56.80 N	177 46.80 E			20, 3			
Segula I. ¹¹	AI	51 59.90 N	178 05.80 E	52 03.06 N	178 08.80 E	20, 3			
Ayugadak Point ¹¹	AI	51 45.36 N	178 24.30 E			20, 10	3	3	
Rat I./Krysi Pt. ¹¹	AI	51 49.98 N	178 12.35 E			20, 3			
Little Sitkin I. ¹¹	AI	51 59.30 N	178 29.80 E			20, 3			
Amchitka I./Column ¹¹	AI	51 32.32 N	178 49.28 E			20, 10	3	3	
Amchitka I./East Cape ¹¹	AI	51 22.26 N	179 27.93 E	51 22.00 N	179 27.00 E	20,10	3	3	
Amchitka I./Cape Ivakin ¹¹	AI	51 24.46 N	179 24.21 E			20, 3			
Semisopochnoi/Petrel Pt. ¹¹	AI	52 01.40 N	179 36.90 E	52 01.50 N	179 39.00 E	20, 10	3	3	
Semisopochnoi I./Pochnoi Pt. ¹¹	AI	51 57.30 N	179 46.00 E			20, 10	3	3	
Amatignak I./Nitrof Pt. ¹¹	AI	51 13.00 N	179 07.80 W			20, 3			
Unalga & Dinkum Rocks ¹¹	AI	51 33.67 N	179 04.25 W	51 35.09 N	179 03.66 W	20, 3			
Ulak I./Hasgox Pt. ¹¹	AI	51 18.90 N	178 58.90 W	51 18.70 N	178 59.60 W	20, 10	3	3	
Kavalga I. ¹¹	AI	51 34.50 N	178 51.73 W	51 34.50 N	178 49.50 W	20, 3			
Tag I. ¹¹	AI	51 33.50 N	178 34.50 W			20, 10	3	3	
Ugidak I. ¹¹	AI	51 34.95 N	178 30.45 W			20, 3			
Gramp Rock ¹¹	AI	51 28.87 N	178 20.58 W			20, 10	3	3	
Tanaga I./Bumpy Pt.	AI	51 55.00 N	177 58.50 W	51 55.00 N	177 57.10 W	3			

Column Number 1	2	3	4	5		7	8	9
				Boundaries to ¹				
				Latitude	Longitude			
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)
Bobrof I.	AI	51 54.00 N	177 27.00 W			3		
Kanaga I./Ship Rock	AI	51 46.70 N	177 20.72 W			3		
Kanaga I./North Cape	AI	51 56.50 N	177 09.00 W			3		
Adak I.	AI	51 35.50 N	176 57.10 W	51 37.40 N	176 59.60 W	10	3	3
Little Tanaga Strait	AI	51 49.09 N	176 13.90 W			3		
Great Sitkin I.	AI	52 06.00 N	176 10.50 W	52 06.60 N	176 07.00 W	3		
Anagaksik I.	AI	51 50.86 N	175 53.00 W			3		
Kasatochi I.	AI	52 11.11 N	175 31.00 W			10	3	3
Atka I./N. Cape	AI	52 24.20 N	174 17.80 W			3		
Amlia I./Sviech. Harbor ⁴	AI	52 01.80 N	173 23.90 W			3		
Sagigik I. ⁴	AI	52 00.50 N	173 09.30 W			3		
Amlia I./East ⁴	AI	52 05.70 N	172 59.00 W	52 05.75 N	172 57.50 W	3	20	20
Tanadak I. (Amlia) ⁴	AI	52 04.20 N	172 57.60 W			3	20	20
Agligadak I. ⁴	AI	52 06.09 N	172 54.23 W			20	20	20
Seguam I./Saddleridge Pt. ⁴	AI	52 21.05 N	172 34.40 W	52 21.02 N	172 33.60 W	10	20	20
Seguam I./Finch Pt.	AI	52 23.40 N	172 27.70 W	52 23.25 N	172 24.30 W	3	20	20
Seguam I./South Side	AI	52 21.60 N	172 19.30 W	52 15.55 N	172 31.22 W	3	20	20
Amukta I. & Rocks	AI	52 27.25 N	171 17.90 W			3	20	20
Chagulak I.	AI	52 34.00 N	171 10.50 W			3	20	20
Yunaska I.	AI	52 41.40 N	170 36.35 W			10	20	20
Uliaga ^{5, 14}	BS	53 04.00 N	169 47.00 W	53 05.00 N	169 46.00 W	10	BA	BA
Chuginadak ¹⁴	GOA	52 46.70 N	169 41.90 W			20	10	20

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)		
Kagamil ^{5, 14}	BS	53 02.10 N	169 41.00 W			10	BA	BA		
Samalga	GOA	52 46.00 N	169 15.00 W			20	10	20		
Adugak I. ⁵	BS	52 54.70 N	169 10.50 W			10	BA	BA		
Umnak I./Cape Aslik ⁵	BS	53 25.00 N	168 24.50 W			BA	BA	BA		
Ogchul I.	GOA	52 59.71 N	168 24.24 W			20	10	20		
Bogoslof I./Fire I. ⁵	BS	53 55.69 N	168 02.05 W			BA	BA	BA		
Polivnoi Rock ⁹	GOA	53 15.96 N	167 57.99 W			20	10	20		
Emerald I. ^{13, 9}	GOA	53 17.50 N	167 51.50 W			20	10	20		
Unalaska/Cape Izigan ⁹	GOA	53 13.64 N	167 39.37 W			20	10	20		
Unalaska/Bishop Pt. ^{6, 13}	BS	53 58.40 N	166 57.50 W			10	10	10		3
Akutan I./Reef-lava ⁶	BS	54 08.10 N	166 06.19 W	54 09.10 N	166 05.50 W	10	10	10		3
Unalaska I./Cape Sedanka ⁹	GOA	53 50.50 N	166 05.00 W			20	10	20		
Old Man Rocks ⁹	GOA	53 52.20 N	166 04.90 W			20	10	20		
Akutan I./Cape Morgan ⁹	GOA	54 03.39 N	165 59.65 W	54 03.70 N	166 03.68 W	20	10	20		
Akun I./Billings Head	BS	54 17.62 N	165 32.06 W	54 17.57 N	165 31.71 W	10	3	3		
Rootok ⁹	GOA	54 03.90 N	165 31.90 W	54 02.90 N	165 29.50 W	20	10	20		
Tanginak I. ⁹	GOA	54 12.00 N	165 19.40 W			20	10	20		
Tigalda/Rocks NE ⁹	GOA	54 09.60 N	164 59.00 W	54 09.12 N	164 57.18 W	20	10	20		
Unimak/Cape Sarichef	BS	54 34.30 N	164 56.80 W			10	3	3		
Aiktak ⁹	GOA	54 10.99 N	164 51.15 W			20	10	20		
Ugamak I. ⁹	GOA	54 13.50 N	164 47.50 W	54 12.80 N	164 47.50 W	20	10	20		
Round (GOA) ⁹	GOA	54 12.05 N	164 46.60 W			20	10	20		
Sea Lion Rock (Amak)	BS	55 27.82 N	163 12.10 W			10	7	7		

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)		
Amak I. And rocks	BS	55 24.20 N	163 09.60 W	55 26.15 N	163 08.50 W	10	3	3		
Bird I.	GOA	54 40.00 N	163 17.2 W			10				
Caton I.	GOA	54 22.70 N	162 21.30 W			3	3	3		
South Rocks	GOA	54 18.14 N	162 41.3 W			10				
Clubbing Rocks (S)	GOA	54 41.98 N	162 26.7 W			10	3	3		
Clubbing Rocks (N)	GOA	54 42.75 N	162 26.7 W			10	3	3		
Pinnacle Rock	GOA	54 46.06 N	161 45.85 W			3	3	3		
Sushilnoi Rocks	GOA	54 49.30 N	161 42.73 W			10				
Ojga Rocks	GOA	55 00.45 N	161 29.81 W	54 59.09 N	161 30.89 W	10				
Jude I.	GOA	55 15.75 N	161 06.27 W			20				
Sea Lion Rocks (Shumagins)	GOA	55 04.70 N	160 31.04 W			3	3	3		
Nagai I./Mountain Pt.	GOA	54 54.20 N	160 15.40 W	54 56.00 N	160 15.00 W	3	3	3		
The Whaleback	GOA	55 16.82 N	160 05.04 W			3	3	3		
Chernabura I.	GOA	54 45.18 N	159 32.99 W	54 45.87 N	159 35.74 W	20	3	3		
Castle Rock	GOA	55 16.47 N	159 29.77 W			3	3	3		
Atkins I.	GOA	55 03.20 N	159 17.40 W			20	3	3		
Spitz I.	GOA	55 46.60 N	158 53.90 W			3	3	3		
Mitrofanina	GOA	55 50.20 N	158 41.90 W			3	3	3		
Kak	GOA	56 17.30 N	157 50.10 W			20	20	20		
Lighthouse Rocks	GOA	55 46.79 N	157 24.89 W			20	20	20		
Sutwik I.	GOA	56 31.05 N	157 20.47 W	56 32.00 N	157 21.00 W	20	20	20		
Chowiet I.	GOA	56 00.54 N	156 41.42 W	56 00.30 N	156 41.60 W	20	20	20		

Column Number 1	2	3	4		5	6		7	8	9
			Boundaries from			Boundaries to ¹				
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)		
Nagai Rocks	GOA	55 49.80 N	155 47.50 W	55 46.44 N	155 43.46 W	20	20	20		
Chirikof I.	GOA	55 46.50 N	155 39.50 W			20	20	20		
Puale Bay	GOA	57 40.60 N	155 23.10 W			10				
Kodiak/Cape Ikolik	GOA	57 17.20 N	154 47.50 W			3	3	3		
Takli I.	GOA	58 01.75 N	154 31.25 W			10				
Cape Kuliak	GOA	58 08.00 N	154 12.50 W			10				
Cape Gull	GOA	58 11.50 N	154 09.60 W	58 12.50 N	154 10.50 W	10				
Kodiak/Cape Ugat	GOA	57 52.41 N	153 50.97 W			10				
Sitkinak/Cape Sitkinak	GOA	56 34.30 N	153 50.96 W			10				
Shakun Rock	GOA	58 32.80 N	153 41.50 W			10				
Twoheaded I.	GOA	56 54.50 N	153 32.75 W	56 53.90 N	153 33.74 W	10				
Cape Douglas (Shaw I.)	GOA	59 00.00 N	153 22.50 W			10				
Kodiak/Cape Barnabas	GOA	57 10.20 N	152 53.05 W			3	3	3		
Kodiak/Gull Point ⁷	GOA	57 21.45 N	152 36.30 W			10, 3				
Latax Rocks	GOA	58 40.10 N	152 31.30 W			10				
Ushagat I./SW	GOA	58 54.75	152 22.20 W			10				
Ugak I. ⁷	GOA	57 23.60 N	152 17.50 W	57 21.90 N	152 17.40 W	10, 3				
Sea Otter I.	GOA	58 31.15 N	152 13.30 W			10				
Long I.	GOA	57 46.82 N	152 12.90 W			10				
Sud I.	GOA	58 54.00 N	152 12.50 W			10				
Kodiak/Cape Chiniak	GOA	57 37.90 N	152 08.25 W			10				
Sugarloaf I.	GOA	58 53.25 N	152 02.40 W			20	10	10		
Sea Lion Rocks (Marmot)	GOA	58 20.53 N	151 48.83 W			10				

Column Number 1	2	3	4	5	6	7	8	9
Site Name	Area or Subarea	Boundaries from		Boundaries to ¹		Pacific Cod No-fishing Zones for Trawl Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Hook-and-Line Gear ^{2,3} (nm)	Pacific Cod No-fishing Zone for Pot Gear ^{2,3} (nm)
		Latitude	Longitude	Latitude	Longitude			
Marmot I. ⁹	GOA	58 13.65 N	151 47.75 W	58 09.90 N	151 52.06 W	15, 20		
Nagahut Rocks	GOA	59 06.00 N	151 46.30 W			10		
Perl	GOA	59 05.75 N	151 39.75 W			10		
Gore Point	GOA	59 12.00 N	150 58.00 W			10		
Outer (Pye) I.	GOA	59 20.50 N	150 23.00 W	59 21.00 N	150 24.50 W	20	10	10
Steep Point	GOA	59 29.05 N	150 15.40 W			10		
Seal Rocks (Kenai)	GOA	59 31.20 N	149 37.50 W			10		
Chiswell Islands	GOA	59 36.00 N	149 34.00 W			10		
Rugged Island	GOA	59 50.00 N	149 23.10 W			10		
Point Elrington ^{10, 12}	GOA	59 56.00 N	148 15.20 W			20		
Perry I. ¹⁰	GOA	60 44.00 N	147 54.60 W					
The Needle ¹⁰	GOA	60 06.64 N	147 36.17 W					
Point Eleanor ¹⁰	GOA	60 35.00 N	147 34.00 W					
Wooded I. (Fish I.)	GOA	59 52.90 N	147 20.65 W			20	3	3
Glacier Island ¹⁰	GOA	60 51.30 N	147 14.50 W					
Seal Rocks (Cordova) ¹²	GOA	60 09.78 N	146 50.30 W			20	3	3
Cape Hinchinbrook ¹²	GOA	60 14.00 N	146 38.50 W			20		
Middleton I.	GOA	59 28.30 N	146 18.80 W			10		
Hook Point ¹²	GOA	60 20.00 N	146 15.60 W			20		
Cape St. Elias	GOA	59 47.50 N	144 36.20 W			20		

BS = Bering Sea, AI = Aleutian Islands, GOA = Gulf of Alaska

¹Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only

one set of coordinates is listed, that location is the base point.

- ² Closures as stated in 50 CFR 679.22(a)(7)(v), (a)(8)(iv) and (b)(2)(iii).
- ³ No-fishing zones are the waters between 0 nm and the nm specified in columns 7, 8, and 9 around each site and within the Bogoslof area (BA) and the Segum Foraging Area (SFA).
- ⁴ Some or all of the restricted area is located in the SFA which is closed to all gears types. The SFA is established as all waters within the area between 52° N lat. and 53° N lat. and between 173°30' W long. and 172°30' W long. Amlia I./East, and Tanadak I. (Amlia) haulouts 20 nm hook-and-line and pot closures apply only to waters located east of 173° W longitude.
- ⁵ This site lies within the BA which is closed to all gear types. The BA consists of all waters of area 518 as described in Figure 1 of this part south of a straight line connecting 55°00'N/170°00'W, and 55°00' N/168°11'4.75" W.
- ⁶ Hook-and-line no-fishing zones apply only to vessels greater than or equal to 60 feet LOA in waters east of 167° W long. For Bishop Point the 10 nm closure west of 167° W. long. applies to all hook and line and jig vessels.
- ⁷ The trawl closure between 0 nm to 10 nm is effective from January 20 through June 10. Trawl closure between 0 nm to 3 nm is effective from September 1 through November 1.
- ⁸ The trawl closure between 0 nm to 15 nm is effective from January 20 through June 10. Trawl closure between 0 nm to 20 nm is effective from September 1 through November 1.
- ⁹ Restriction area includes only waters of the Gulf of Alaska Area.
- ¹⁰ Contact the Alaska Department of Fish and Game for fishery restrictions at these sites.
- ¹¹ Directed fishing for Pacific cod using trawl gear is prohibited in the harvest limit area (HLA) as defined at § 679.2 until the HLA Atka mackerel directed fishery in the A or B seasons is completed. The 20 nm closure around Gramp Rock applies only to waters west of 178°W long. After closure of the Atka mackerel HLA directed fishery, directed fishing for Pacific cod using trawl gear is prohibited in the HLA between 0 nm to 10 nm of rookeries and between 0 nm to 3 nm of haulouts.
- ¹² The 20 nm closure around this site is effective only in waters outside of the State of Alaska waters of Prince William Sound.
- ¹³ See 50 CFR 679.22(a)(7)(i)(C) for exemptions for catcher vessels less than 60 feet (18.3 m) LOA using jig or hook-and-line gear between Bishop Point and Emerald Island closure areas.
- ¹⁴ Trawl closure around this site is limited to waters east of 170°0'00" W long.

Table 6 to 50 CFR Part 679 Steller Sea Lion Protection Areas Atka Mackerel Fisheries Restrictions

Column Number 1	2	3		4		5		6	7
		Boundaries from		Boundaries to ¹					
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude		Atka mackerel No-fishing Zones for Trawl Gear ^{2,3} (nm)
St. Lawrence I./S Punuk I.	Bering Sea	63 04.00 N	168 51.00 W						20
St. Lawrence I./SW Cape Hall I.	Bering Sea	63 18.00 N	171 26.00 W						20
St. Paul I./Sea Lion Rock	Bering Sea	60 37.00 N	173 00.00 W						20
St. Paul I./NE Pt.	Bering Sea	57 06.00 N	170 17.50 W						20
Walrus I. (Pribilofs)	Bering Sea	57 15.00 N	170 06.50 W						20
St. George I./Dalnoi Pt.	Bering Sea	57 11.00 N	169 56.00 W						20
St. George I./S Rookery	Bering Sea	56 36.00 N	169 46.00 W						20
Cape Newenham	Bering Sea	56 33.50 N	169 40.00 W						20
Round (Walrus Islands)	Bering Sea	58 39.00 N	162 10.50 W						20
Attu I./Cape Wrangell	Bering Sea	58 36.00 N	159 58.00 W						20
Agattu I./Gillon Pt.	Aleutian Islands	52 54.60 N	172 27.90 E	52 55.40 N	172 27.20 E				10
Attu I./Chirikof Pt.	Aleutian Islands	52 24.13 N	173 21.31 E						10
Agattu I./Cape Sabak	Aleutian Islands	52 49.75 N	173 26.00 E						3
Alaid I.	Aleutian Islands	52 22.50 N	173 43.30 E	52 21.80 N	173 41.40 E				10
Shemya I.	Aleutian Islands	52 46.50 N	173 51.50 E	52 45.00 N	173 56.50 E				3
Buldir I.	Aleutian Islands	52 44.00 N	174 08.70 E						3
Kiska I./Cape St. Stephen	Aleutian Islands	52 20.25 N	175 54.03 E	52 20.38 N	175 53.85 E				15
Kiska I./Sobaka & Vega	Aleutian Islands	51 52.50 N	177 12.70 E	51 53.50 N	177 12.00 E				10
Kiska I./Lief Cove	Aleutian Islands	51 49.50 N	177 19.00 E	51 48.50 N	177 20.50 E				3
	Aleutian Islands	51 57.16 N	177 20.41 E	51 57.24 N	177 20.53 E				10

Column Number 1	2	3	4		5	6	7
			Boundaries from				
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Atka mackerel No-fishing Zones for Trawl Gear ^{2,3} (nm)	
Kiska I./Sirius Pt.	Aleutian Islands	52 08.50 N	177 36.50 E			3	
Tanadak I. (Kiska)	Aleutian Islands	51 56.80 N	177 46.80 E			3	
Segula I.	Aleutian Islands	51 59.90 N	178 05.80 E	52 03.06 N	178 08.80 E	3	
Ayugadak Point	Aleutian Islands	51 45.36 N	178 24.30 E			10	
Rat I./Krysi Pt.	Aleutian Islands	51 49.98 N	178 12.35 E			3	
Little Sitkin I.	Aleutian Islands	51 59.30 N	178 29.80 E			3	
Amchitka I./Column Rocks	Aleutian Islands	51 32.32 N	178 49.28 E			10	
Amchitka I./East Cape	Aleutian Islands	51 22.26 N	179 27.93 E	51 22.00 N	179 27.00 E	10	
Amchitka I./Cape Ivakin	Aleutian Islands	51 24.46 N	179 24.21 E			3	
Semisopchnoi/Petrel Pt.	Aleutian Islands	52 01.40 N	179 36.90 E	52 01.50 N	179 39.00 E	10	
Semisopchnoi I./Pochnoi Pt.	Aleutian Islands	51 57.30 N	179 46.00 E			10	
Amatignak I. Nitrof Pt.	Aleutian Islands	51 13.00 N	179 07.80 W			3	
Unalga & Dinkum Rocks	Aleutian Islands	51 33.67 N	179 04.25 W	51 35.09 N	179 03.66 W	3	
Ulak I./Hasgox Pt.	Aleutian Islands	51 18.90 N	178 58.90 W	51 18.70 N	178 59.60 W	10	
Kavalga I.	Aleutian Islands	51 34.50 N	178 51.73 W	51 34.50 N	178 49.50 W	3	
Tag I.	Aleutian Islands	51 33.50 N	178 34.50 W			10	
Ugidak I.	Aleutian Islands	51 34.95 N	178 30.45 W			3	
Gramp Rock ⁷	Aleutian Islands	51 28.87 N	178 20.58 W			10, 20	
Tanaga I./Bumpy Pt.	Aleutian Islands	51 55.00 N	177 58.50 W	51 55.00 N	177 57.10 W	20	
Bobrof I.	Aleutian Islands	51 54.00 N	177 27.00 W			20	
Kanaga I./Ship Rock	Aleutian Islands	51 46.70 N	177 20.72 W			20	
Kanaga I./North Cape	Aleutian Islands	51 56.50 N	177 09.00 W			20	
Adak I.	Aleutian Islands	51 35.50 N	176 57.10 W	51 37.40 N	176 59.60 W	20	

Column Number 1	2	3	4		5	6	7
Site Name	Area or Subarea	Boundaries from		Boundaries to ¹		Atka mackerel No-fishing Zones for Trawl Gear ^{2,3} (nm)	
		Latitude	Longitude	Latitude	Longitude		
Little Tanaga Strait	Aleutian Islands	51 49.09 N	176 13.90 W			20	
Great Sitkin I.	Aleutian Islands	52 06.00 N	176 10.50 W	52 06.60 N	176 07.00 W	20	
Anagaksik I.	Aleutian Islands	51 50.86 N	175 53.00 W			20	
Kasatochi I.	Aleutian Islands	52 11.11 N	175 31.00 W			20	
Atka I./North Cape	Aleutian Islands	52 24.20 N	174 17.80 W			20	
Amlia I./Sviech. Harbor ⁵	Aleutian Islands	52 01.80 N	173 23.90 W			20	
Sagigik I. ⁵	Aleutian Islands	52 00.50 N	173 09.30 W			20	
Amlia I./East ⁵	Aleutian Islands	52 05.70 N	172 59.00 W	52 05.75 N	172 57.50 W	20	
Tanadak I. (Amlia) ⁵	Aleutian Islands	52 04.20 N	172 57.60 W			20	
Agligadak I. ⁵	Aleutian Islands	52 06.09 N	172 54.23 W			20	
Seguam I./Saddleridge Pt. ⁵	Aleutian Islands	52 21.05 N	172 34.40 W	52 21.02 N	172 33.60 W	20	
Seguam I./Finch Pt. ⁵	Aleutian Islands	52 23.40 N	172 27.70 W	52 23.25 N	172 24.30 W	20	
Seguam I./South Side ⁵	Aleutian Islands	52 21.60 N	172 19.30 W	52 15.55 N	172 31.22 W	20	
Amukta I. & Rocks	Aleutian Islands	52 27.25 N	171 17.90 W			20	
Chagulak I.	Aleutian Islands	52 34.00 N	171 10.50 W			20	
Yunaska I.	Aleutian Islands	52 41.40 N	170 36.35 W			20	
Uliaga ⁶	Bering Sea	53 04.00 N	169 47.00 W	53 05.00 N	169 46.00 W	20	
Kagamii ⁶	Bering Sea	53 02.10 N	169 41.00 W			20	
Adugak I. ⁶	Bering Sea	52 54.70 N	169 10.50 W			20	
Umnak I./Cape Aslik ⁶	Bering Sea	53 25.00 N	168 24.50 W			BA	
Bogoslof I./Fire I. ⁶	Bering Sea	53 55.69 N	168 02.05 W			BA	
Unalaska/Bishop Pt.	Bering Sea	53 58.40 N	166 57.50 W			20	
Akutan I./Reef-lava	Bering Sea	54 08.10 N	166 06.19 W	54 09.10 N	166 05.50 W	20	

Column Number 1	2	3	4		5	6		7
			Boundaries from			Boundaries to ¹		
Site Name	Area or Subarea		Latitude	Longitude	Latitude	Longitude		Atka mackerel No-fishing Zones for Trawl Gear ^{2,3} (nm)
Akun I./Billings Head	Bering Sea	54 17.62 N	165 32.06 W	54 17.57 N	165 31.71 W			20
Unimak/Cape Sarichef	Bering Sea	54 34.30 N	164 56.80 W					20
Sea Lion Rock (Amak)	Bering Sea	55 27.82 N	163 12.10 W					20
Amak I. And rocks	Bering Sea	55 24.20 N	163 09.60 W	55 26.15 N	163 08.50 W			20

¹Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates.

²Closures as stated in 50 CFR 679.22 (a) (7) (vi) and (a) (8) (v).

³No-fishing zones are the waters between 0 nm and the nm specified in column 7 around each site and within the Bogoslof area (BA).

⁴The 20 nm Atka mackerel fishery closure around the Tanaga I./Bumpy Pt. Rookery is established only for that portion of the area east of 178° W longitude.

⁵Some or all of the restricted area is located in the Segum Foraging Area (SFA) which is closed to all gears types. The SFA is established as all waters within the area between 52° N lat. and 53° N lat. and between 173°30' W long. and 172°30' W long.

⁶This site lies in the BA, closed to all gear types. The BA consists of all waters of Area 518 described in Figure 1 of this part south of a straight line connecting 55°00'N/170°00'W and 55°00'N/168°11'4.75" W.

⁷Directed fishing for Atka mackerel by vessels using trawl gear is prohibited in waters located 0-20 nm seaward of Gramp Rock and east of 178°W long.

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Table 12 to 50 CFR Part 679 Steller Sea Lion Protection Areas 3nm No Groundfish Fishing Sites

Column Number 1	2	3		4		5		6	7
		Boundaries from		Boundaries to ¹		Boundaries to ¹			
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	No transit ² 3 nm	
Walrus I. (Pribilofs)	Bering Sea	57 11.00 N	169 56.00 W					Y	
Attu I./Cape Wrangell	Aleutian I.	52 54.60 N	172 27.90 E	52 55.40 N	172 27.20 E			Y	
Agattu I./Gillon Pt.	Aleutian I.	52 24.13 N	173 21.31 E					Y	
Agattu I./Cape Sabak	Aleutian I.	52 22.50 N	173 43.30 E	52 21.80 N	173 41.40 E			Y	
Buldir I.	Aleutian I.	52 20.25 N	175 54.03 E	52 20.38 N	175 53.85 E			Y	
Kiska I./Cape St. Stephen	Aleutian I.	51 52.50 N	177 12.70 E	51 53.50 N	177 12.00 E			Y	
Kiska I./Lief Cove	Aleutian I.	51 57.16 N	177 20.41 E	51 57.24 N	177 20.53 E			Y	
Ayugadak Point	Aleutian I.	51 45.36 N	178 24.30 E					Y	
Amchitka I./Column Rocks	Aleutian I.	51 32.32 N	178 49.28 E					Y	
Amchitka I./East Cape	Aleutian I.	51 22.26 N	179 27.93 E	51 22.00 N	179 27.00 E			Y	
Semisopochnoi/Petrel Pt.	Aleutian I.	52 01.40 N	179 36.90 E	52 01.50 N	179 39.00 E			Y	
Semisopochnoi I./Pochnoi Pt.	Aleutian I.	51 57.30 N	179 46.00 E					Y	
Ulak I./Hasgox Pt.	Aleutian I.	51 18.90 N	178 58.90 W	51 18.70 N	178 59.60 W			Y	
Tag I.	Aleutian I.	51 33.50 N	178 34.50 W					Y	
Gramp Rock	Aleutian I.	51 28.87 N	178 20.58 W					Y	
Adak I.	Aleutian I.	51 35.50 N	176 57.10 W	51 37.40 N	176 59.60 W			Y	
Kasatochi I.	Aleutian I.	52 11.11 N	175 31.00 W					Y	
Agligadak I.	Aleutian I.	52 06.09 N	172 54.23 W					Y	
Seguam I./Saddleridge Pt.	Aleutian I.	52 21.05 N	172 34.40 W	52 21.02 N	172 33.60 W			Y	
Yunaska I.	Aleutian I.	52 41.40 N	170 36.35 W					Y	
Adugak I.	Bering Sea	52 54.70 N	169 10.50 W					Y	
Ogchul I.	Gulf of Alaska	52 59.71 N	168 24.24 W					Y	
Bogoslof I./Fire I.	Bering Sea	53 55.69 N	168 02.05 W					Y	

Column Number 1	2	3	4		5	6		7
			Boundaries from			Boundaries to ¹		
Site Name	Area or Subarea	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude	No transit ² 3 nm
Akutan I./Cape Morgan	Gulf of Alaska	54 03.39 N	165 59.65 W	54 03.70 N	166 03.68 W			Y
Akun I./Billings Head	Bering Sea	54 17.62 N	165 32.06 W	54 17.57 N	165 31.71 W			Y
Ugamak I.	Gulf of Alaska	54 13.50 N	164 47.50 W	54 12.80 N	164 47.50 W			Y
Sea Lion Rock (Amak)	Bering Sea	55 27.82 N	163 12.10 W					Y
Clubbing Rocks (S)	Gulf of Alaska	54 41.98 N	162 26.7 W					Y
Clubbing Rocks (N)	Gulf of Alaska	54 42.75 N	162 26.7 W					Y
Pinnacle Rock	Gulf of Alaska	54 46.06 N	161 45.85 W					Y
Chernabura I.	Gulf of Alaska	54 45.18 N	159 32.99 W	54 45.87 N	159 35.74 W			Y
Atkins I.	Gulf of Alaska	55 03.20 N	159 17.40 W					Y
Chowiet I.	Gulf of Alaska	56 00.54 N	156 41.42 W	55 00.30 N	156 41.60 W			Y
Chirikof I.	Gulf of Alaska	55 46.50 N	155 39.50 W	55 46.44 N	155 43.46 W			Y
Sugarloaf I.	Gulf of Alaska	58 53.25 N	152 02.40 W					Y
Marmot I.	Gulf of Alaska	58 13.65 N	151 47.75 W	58 09.90 N	151 52.06 W			Y
Outer (Pye) I.	Gulf of Alaska	59 20.50 N	150 23.00 W	59 21.00 N	150 24.50 W			Y
Wooded I. (Fish I.)	Gulf of Alaska	59 52.90 N	147 20.65 W					
Seal Rocks (Cordova)	Gulf of Alaska	60 09.78 N	146 50.30 W					

¹ Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.

² See 50 CFR 223.202(a)(2)(i) for regulations regarding 3 nm no transit zones.

Note: No groundfish fishing zones are the waters between 0 nm to 3 nm surrounding each site.

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Presidential Documents

Title 3—

Executive Order 12866 of September 30, 1993

The President

Regulatory Planning and Review

The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable. We do not have such a regulatory system today.

With this Executive order, the Federal Government begins a program to reform and make more efficient the regulatory process. The objectives of this Executive order are to enhance planning and coordination with respect to both new and existing regulations; to reaffirm the primacy of Federal agencies in the regulatory decision-making process; to restore the integrity and legitimacy of regulatory review and oversight; and to make the process more accessible and open to the public. In pursuing these objectives, the regulatory process shall be conducted so as to meet applicable statutory requirements and with due regard to the discretion that has been entrusted to the Federal agencies.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Statement of Regulatory Philosophy and Principles.*

(a) *The Regulatory Philosophy.* Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people. In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

(b) *The Principles of Regulation.* To ensure that the agencies' regulatory programs are consistent with the philosophy set forth above, agencies should adhere to the following principles, to the extent permitted by law and where applicable:

- (1) Each agency shall identify the problem that it intends to address (including, where applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.
- (2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation is

intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

(4) In setting regulatory priorities, each agency shall consider, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within its jurisdiction.

(5) When an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

(6) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.

(7) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

(8) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

(9) Wherever feasible, agencies shall seek views of appropriate State, local, and tribal officials before imposing regulatory requirements that might significantly or uniquely affect those governmental entities. Each agency shall assess the effects of Federal regulations on State, local, and tribal governments, including specifically the availability of resources to carry out those mandates, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives. In addition, as appropriate, agencies shall seek to harmonize Federal regulatory actions with related State, local, and tribal regulatory and other governmental functions.

(10) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

(11) Each agency shall tailor its regulations to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations.

(12) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

Sec. 2. Organization. An efficient regulatory planning and review process is vital to ensure that the Federal Government's regulatory system best serves the American people.

(a) *The Agencies.* Because Federal agencies are the repositories of significant substantive expertise and experience, they are responsible for developing regulations and assuring that the regulations are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order.

(b) *The Office of Management and Budget.* Coordinated review of agency rulemaking is necessary to ensure that regulations are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order, and that decisions made by one agency do not conflict with the policies or actions taken or planned by another agency. The Office of Management and Budget (OMB) shall carry out that review function. Within OMB, the Office of Information and Regulatory Affairs (OIRA) is the repository of expertise concerning regulatory issues, including methodologies and procedures that affect more than one agency, this Executive order, and the President's regulatory policies. To the extent permitted by law, OMB shall provide guidance to agencies and assist the President, the Vice President, and other regulatory policy advisors to the President in regulatory planning and shall be the entity that reviews individual regulations, as provided by this Executive order.

(c) *The Vice President.* The Vice President is the principal advisor to the President on, and shall coordinate the development and presentation of recommendations concerning, regulatory policy, planning, and review, as set forth in this Executive order. In fulfilling their responsibilities under this Executive order, the President and the Vice President shall be assisted by the regulatory policy advisors within the Executive Office of the President and by such agency officials and personnel as the President and the Vice President may, from time to time, consult.

Sec. 3. Definitions. For purposes of this Executive order: (a) "Advisors" refers to such regulatory policy advisors to the President as the President and Vice President may from time to time consult, including, among others: (1) the Director of OMB; (2) the Chair (or another member) of the Council of Economic Advisers; (3) the Assistant to the President for Economic Policy; (4) the Assistant to the President for Domestic Policy; (5) the Assistant to the President for National Security Affairs; (6) the Assistant to the President for Science and Technology; (7) the Assistant to the President for Intergovernmental Affairs; (8) the Assistant to the President and Staff Secretary; (9) the Assistant to the President and Chief of Staff to the Vice President; (10) the Assistant to the President and Counsel to the President; (11) the Deputy Assistant to the President and Director of the White House Office on Environmental Policy; and (12) the Administrator of OIRA, who also shall coordinate communications relating to this Executive order among the agencies, OMB, the other Advisors, and the Office of the Vice President.

(b) "Agency," unless otherwise indicated, means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(c) "Director" means the Director of OMB.

(d) "Regulation" or "rule" means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency. It does not, however, include:

(1) Regulations or rules issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556, 557;

(2) Regulations or rules that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services;

(3) Regulations or rules that are limited to agency organization, management, or personnel matters; or

(4) Any other category of regulations exempted by the Administrator of OIRA.

(e) "Regulatory action" means any substantive action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices

of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking.

(f) "Significant regulatory action" means any regulatory action that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Sec. 4. *Planning Mechanism.* In order to have an effective regulatory program, to provide for coordination of regulations, to maximize consultation and the resolution of potential conflicts at an early stage, to involve the public and its State, local, and tribal officials in regulatory planning, and to ensure that new or revised regulations promote the President's priorities and the principles set forth in this Executive order, these procedures shall be followed, to the extent permitted by law:

(a) *Agencies' Policy Meeting.* Early in each year's planning cycle, the Vice President shall convene a meeting of the Advisors and the heads of agencies to seek a common understanding of priorities and to coordinate regulatory efforts to be accomplished in the upcoming year.

(b) *Unified Regulatory Agenda.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). Each agency shall prepare an agenda of all regulations under development or review, at a time and in a manner specified by the Administrator of OIRA. The description of each regulatory action shall contain, at a minimum, a regulation identifier number, a brief summary of the action, the legal authority for the action, any legal deadline for the action, and the name and telephone number of a knowledgeable agency official. Agencies may incorporate the information required under 5 U.S.C. 602 and 41 U.S.C. 402 into these agendas.

(c) *The Regulatory Plan.* For purposes of this subsection, the term "agency" or "agencies" shall also include those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10). (1) As part of the Unified Regulatory Agenda, beginning in 1994, each agency shall prepare a Regulatory Plan (Plan) of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year or thereafter. The Plan shall be approved personally by the agency head and shall contain at a minimum:

- (A) A statement of the agency's regulatory objectives and priorities and how they relate to the President's priorities;
- (B) A summary of each planned significant regulatory action including, to the extent possible, alternatives to be considered and preliminary estimates of the anticipated costs and benefits;
- (C) A summary of the legal basis for each such action, including whether any aspect of the action is required by statute or court order;
- (D) A statement of the need for each such action and, if applicable, how the action will reduce risks to public health, safety, or the environment, as well as how the magnitude of the risk addressed by the action relates to other risks within the jurisdiction of the agency;
- (E) The agency's schedule for action, including a statement of any applicable statutory or judicial deadlines; and

(F) The name, address, and telephone number of a person the public may contact for additional information about the planned regulatory action.

(2) Each agency shall forward its Plan to OIRA by June 1st of each year.

(3) Within 10 calendar days after OIRA has received an agency's Plan, OIRA shall circulate it to other affected agencies, the Advisors, and the Vice President.

(4) An agency head who believes that a planned regulatory action of another agency may conflict with its own policy or action taken or planned shall promptly notify, in writing, the Administrator of OIRA, who shall forward that communication to the issuing agency, the Advisors, and the Vice President.

(5) If the Administrator of OIRA believes that a planned regulatory action of an agency may be inconsistent with the President's priorities or the principles set forth in this Executive order or may be in conflict with any policy or action taken or planned by another agency, the Administrator of OIRA shall promptly notify, in writing, the affected agencies, the Advisors, and the Vice President.

(6) The Vice President, with the Advisors' assistance, may consult with the heads of agencies with respect to their Plans and, in appropriate instances, request further consideration or inter-agency coordination.

(7) The Plans developed by the issuing agency shall be published annually in the October publication of the Unified Regulatory Agenda. This publication shall be made available to the Congress; State, local, and tribal governments; and the public. Any views on any aspect of any agency Plan, including whether any planned regulatory action might conflict with any other planned or existing regulation, impose any unintended consequences on the public, or confer any unclaimed benefits on the public, should be directed to the issuing agency, with a copy to OIRA.

(d) *Regulatory Working Group.* Within 30 days of the date of this Executive order, the Administrator of OIRA shall convene a Regulatory Working Group ("Working Group"), which shall consist of representatives of the heads of each agency that the Administrator determines to have significant domestic regulatory responsibility, the Advisors, and the Vice President. The Administrator of OIRA shall chair the Working Group and shall periodically advise the Vice President on the activities of the Working Group. The Working Group shall serve as a forum to assist agencies in identifying and analyzing important regulatory issues (including, among others (1) the development of innovative regulatory techniques, (2) the methods, efficacy, and utility of comparative risk assessment in regulatory decision-making, and (3) the development of short forms and other streamlined regulatory approaches for small businesses and other entities). The Working Group shall meet at least quarterly and may meet as a whole or in subgroups of agencies with an interest in particular issues or subject areas. To inform its discussions, the Working Group may commission analytical studies and reports by OIRA, the Administrative Conference of the United States, or any other agency.

(e) *Conferences.* The Administrator of OIRA shall meet quarterly with representatives of State, local, and tribal governments to identify both existing and proposed regulations that may uniquely or significantly affect those governmental entities. The Administrator of OIRA shall also convene, from time to time, conferences with representatives of businesses, nongovernmental organizations, and the public to discuss regulatory issues of common concern.

Sec. 5. Existing Regulations. In order to reduce the regulatory burden on the American people, their families, their communities, their State, local, and tribal governments, and their industries; to determine whether regulations promulgated by the executive branch of the Federal Government have become unjustified or unnecessary as a result of changed circumstances; to confirm that regulations are both compatible with each other and not

duplicative or inappropriately burdensome in the aggregate; to ensure that all regulations are consistent with the President's priorities and the principles set forth in this Executive order, within applicable law; and to otherwise improve the effectiveness of existing regulations: (a) Within 90 days of the date of this Executive order, each agency shall submit to OIRA a program, consistent with its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified or eliminated so as to make the agency's regulatory program more effective in achieving the regulatory objectives, less burdensome, or in greater alignment with the President's priorities and the principles set forth in this Executive order. Any significant regulations selected for review shall be included in the agency's annual Plan. The agency shall also identify any legislative mandates that require the agency to promulgate or continue to impose regulations that the agency believes are unnecessary or outdated by reason of changed circumstances.

(b) The Administrator of OIRA shall work with the Regulatory Working Group and other interested entities to pursue the objectives of this section. State, local, and tribal governments are specifically encouraged to assist in the identification of regulations that impose significant or unique burdens on those governmental entities and that appear to have outlived their justification or be otherwise inconsistent with the public interest.

(c) The Vice President, in consultation with the Advisors, may identify for review by the appropriate agency or agencies other existing regulations of an agency or groups of regulations of more than one agency that affect a particular group, industry, or sector of the economy, or may identify legislative mandates that may be appropriate for reconsideration by the Congress.

Sec. 6. Centralized Review of Regulations. The guidelines set forth below shall apply to all regulatory actions, for both new and existing regulations, by agencies other than those agencies specifically exempted by the Administrator of OIRA:

(a) *Agency Responsibilities.* (1) Each agency shall (consistent with its own rules, regulations, or procedures) provide the public with meaningful participation in the regulatory process. In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by any regulation (including, specifically, State, local, and tribal officials). In addition, each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days. Each agency also is directed to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

(2) Within 60 days of the date of this Executive order, each agency head shall designate a Regulatory Policy Officer who shall report to the agency head. The Regulatory Policy Officer shall be involved at each stage of the regulatory process to foster the development of effective, innovative, and least burdensome regulations and to further the principles set forth in this Executive order.

(3) In addition to adhering to its own rules and procedures and to the requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, the Paperwork Reduction Act, and other applicable law, each agency shall develop its regulatory actions in a timely fashion and adhere to the following procedures with respect to a regulatory action:

(A) Each agency shall provide OIRA, at such times and in the manner specified by the Administrator of OIRA, with a list of its planned regulatory actions, indicating those which the agency believes are significant regulatory actions within the meaning of this Executive order. Absent a material change in the development of the planned regulatory action, those not designated as significant will not be subject to review under this section unless, within 10 working days of receipt

of the list, the Administrator of OIRA notifies the agency that OIRA has determined that a planned regulation is a significant regulatory action within the meaning of this Executive order. The Administrator of OIRA may waive review of any planned regulatory action designated by the agency as significant, in which case the agency need not further comply with subsection (a)(3)(B) or subsection (a)(3)(C) of this section.

(B) For each matter identified as, or determined by the Administrator of OIRA to be, a significant regulatory action, the issuing agency shall provide to OIRA:

- (i) The text of the draft regulatory action, together with a reasonably detailed description of the need for the regulatory action and an explanation of how the regulatory action will meet that need; and
- (ii) An assessment of the potential costs and benefits of the regulatory action, including an explanation of the manner in which the regulatory action is consistent with a statutory mandate and, to the extent permitted by law, promotes the President's priorities and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

(C) For those matters identified as, or determined by the Administrator of OIRA to be, a significant regulatory action within the scope of section 3(f)(1), the agency shall also provide to OIRA the following additional information developed as part of the agency's decision-making process (unless prohibited by law):

- (i) An assessment, including the underlying analysis, of benefits anticipated from the regulatory action (such as, but not limited to, the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias) together with, to the extent feasible, a quantification of those benefits;
- (ii) An assessment, including the underlying analysis, of costs anticipated from the regulatory action (such as, but not limited to, the direct cost both to the government in administering the regulation and to businesses and others in complying with the regulation, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and competitiveness), health, safety, and the natural environment), together with, to the extent feasible, a quantification of those costs; and
- (iii) An assessment, including the underlying analysis, of costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation, identified by the agencies or the public (including improving the current regulation and reasonably viable nonregulatory actions), and an explanation why the planned regulatory action is preferable to the identified potential alternatives.

(D) In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify OIRA as soon as possible and, to the extent practicable, comply with subsections (a)(3)(B) and (C) of this section. For those regulatory actions that are governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule rule-making proceedings so as to permit sufficient time for OIRA to conduct its review, as set forth below in subsection (b)(2) through (4) of this section.

(E) After the regulatory action has been published in the **Federal Register** or otherwise issued to the public, the agency shall:

- (i) Make available to the public the information set forth in subsections (a)(3)(B) and (C);
- (ii) Identify for the public, in a complete, clear, and simple manner, the substantive changes between the draft submitted to OIRA for review and the action subsequently announced; and

(iii) Identify for the public those changes in the regulatory action that were made at the suggestion or recommendation of OIRA.

(F) All information provided to the public by the agency shall be in plain, understandable language.

(b) *OIRA Responsibilities.* The Administrator of OIRA shall provide meaningful guidance and oversight so that each agency's regulatory actions are consistent with applicable law, the President's priorities, and the principles set forth in this Executive order and do not conflict with the policies or actions of another agency. OIRA shall, to the extent permitted by law, adhere to the following guidelines:

(1) OIRA may review only actions identified by the agency or by OIRA as significant regulatory actions under subsection (a)(3)(A) of this section.

(2) OIRA shall waive review or notify the agency in writing of the results of its review within the following time periods:

(A) For any notices of inquiry, advance notices of proposed rulemaking, or other preliminary regulatory actions prior to a Notice of Proposed Rulemaking, within 10 working days after the date of submission of the draft action to OIRA;

(B) For all other regulatory actions, within 90 calendar days after the date of submission of the information set forth in subsections (a)(3)(B) and (C) of this section, unless OIRA has previously reviewed this information and, since that review, there has been no material change in the facts and circumstances upon which the regulatory action is based, in which case, OIRA shall complete its review within 45 days; and

(C) The review process may be extended (1) once by no more than 30 calendar days upon the written approval of the Director and (2) at the request of the agency head.

(3) For each regulatory action that the Administrator of OIRA returns to an agency for further consideration of some or all of its provisions, the Administrator of OIRA shall provide the issuing agency a written explanation for such return, setting forth the pertinent provision of this Executive order on which OIRA is relying. If the agency head disagrees with some or all of the bases for the return, the agency head shall so inform the Administrator of OIRA in writing.

(4) Except as otherwise provided by law or required by a Court, in order to ensure greater openness, accessibility, and accountability in the regulatory review process, OIRA shall be governed by the following disclosure requirements:

(A) Only the Administrator of OIRA (or a particular designee) shall receive oral communications initiated by persons not employed by the executive branch of the Federal Government regarding the substance of a regulatory action under OIRA review;

(B) All substantive communications between OIRA personnel and persons not employed by the executive branch of the Federal Government regarding a regulatory action under review shall be governed by the following guidelines: (i) A representative from the issuing agency shall be invited to any meeting between OIRA personnel and such person(s);

(ii) OIRA shall forward to the issuing agency, within 10 working days of receipt of the communication(s), all written communications, regardless of format, between OIRA personnel and any person who is not employed by the executive branch of the Federal Government, and the dates and names of individuals involved in all substantive oral communications (including meetings to which an agency representative was invited, but did not attend, and telephone conversations between OIRA personnel and any such persons); and

(iii) OIRA shall publicly disclose relevant information about such communication(s), as set forth below in subsection (b)(4)(C) of this section.

(C) OIRA shall maintain a publicly available log that shall contain, at a minimum, the following information pertinent to regulatory actions under review:

- (i) The status of all regulatory actions, including if (and if so, when and by whom) Vice Presidential and Presidential consideration was requested;
- (ii) A notation of all written communications forwarded to an issuing agency under subsection (b)(4)(B)(ii) of this section; and
- (iii) The dates and names of individuals involved in all substantive oral communications, including meetings and telephone conversations, between OIRA personnel and any person not employed by the executive branch of the Federal Government, and the subject matter discussed during such communications.

(D) After the regulatory action has been published in the **Federal Register** or otherwise issued to the public, or after the agency has announced its decision not to publish or issue the regulatory action, OIRA shall make available to the public all documents exchanged between OIRA and the agency during the review by OIRA under this section.

(5) All information provided to the public by OIRA shall be in plain, understandable language.

Sec. 7. Resolution of Conflicts. To the extent permitted by law, disagreements or conflicts between or among agency heads or between OMB and any agency that cannot be resolved by the Administrator of OIRA shall be resolved by the President, or by the Vice President acting at the request of the President, with the relevant agency head (and, as appropriate, other interested government officials). Vice Presidential and Presidential consideration of such disagreements may be initiated only by the Director, by the head of the issuing agency, or by the head of an agency that has a significant interest in the regulatory action at issue. Such review will not be undertaken at the request of other persons, entities, or their agents.

Resolution of such conflicts shall be informed by recommendations developed by the Vice President, after consultation with the Advisors (and other executive branch officials or personnel whose responsibilities to the President include the subject matter at issue). The development of these recommendations shall be concluded within 60 days after review has been requested.

During the Vice Presidential and Presidential review period, communications with any person not employed by the Federal Government relating to the substance of the regulatory action under review and directed to the Advisors or their staffs or to the staff of the Vice President shall be in writing and shall be forwarded by the recipient to the affected agency(ies) for inclusion in the public docket(s). When the communication is not in writing, such Advisors or staff members shall inform the outside party that the matter is under review and that any comments should be submitted in writing.

At the end of this review process, the President, or the Vice President acting at the request of the President, shall notify the affected agency and the Administrator of OIRA of the President's decision with respect to the matter.

Sec. 8. Publication. Except to the extent required by law, an agency shall not publish in the **Federal Register** or otherwise issue to the public any regulatory action that is subject to review under section 6 of this Executive order until (1) the Administrator of OIRA notifies the agency that OIRA has waived its review of the action or has completed its review without any requests for further consideration, or (2) the applicable time period in section 6(b)(2) expires without OIRA having notified the agency that it is returning the regulatory action for further consideration under section 6(b)(3), whichever occurs first. If the terms of the preceding sentence have not been satisfied and an agency wants to publish or otherwise issue a

regulatory action, the head of that agency may request Presidential consideration through the Vice President, as provided under section 7 of this order. Upon receipt of this request, the Vice President shall notify OIRA and the Advisors. The guidelines and time period set forth in section 7 shall apply to the publication of regulatory actions for which Presidential consideration has been sought.

Sec. 9. Agency Authority. Nothing in this order shall be construed as displacing the agencies' authority or responsibilities, as authorized by law.

Sec. 10. Judicial Review. Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 11. Revocations. Executive Orders Nos. 12291 and 12498; all amendments to those Executive orders; all guidelines issued under those orders; and any exemptions from those orders heretofore granted for any category of rule are revoked.



THE WHITE HOUSE,
September 30, 1993.

DEFINITIONS

Sec. 3. For the purposes of this Act-

- (1) The term "alternative courses of action" means all alternatives and thus is not limited to original project objectives and agency jurisdiction.**
- (2) The term "commercial activity" means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling; Provided, however, that it does not include exhibitions of commodities by museums or similar cultural or historical organizations.**
- (3) The terms "conserve," "conserving," and "conservation" mean 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. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and trans-plantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.**
- (4) The term "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and the appendices thereto.**
- (5)**
 - (A) The term "critical habitat" for a threatened or endangered species means-**
 - (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and**
 - (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.**
 - (B) Critical habitat may be established for those species now listed as threatened or endangered species for which no critical habitat has heretofore been established as set forth in subparagraph (A) of this paragraph.**
 - (C) Except in those circumstances determined by the Secretary, critical habitat shall not include the entire geographical area which can be occupied by the threatened or endangered species.**
- (6) The term "endangered species" means any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.**
- (7) The term "Federal agency" means any department, agency, or instrumentality of the United States.**
- (8) The term "fish or wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.**
- (9) The term "foreign commerce" includes, among other things, any transaction-**
 - (A) between persons within one foreign country;**
 - (B) between persons in two or more foreign countries;**
 - (C) between a person within the United States and a person in a foreign country; or;**
 - (D) between persons within the United States, where the fish and wildlife in question are moving in any country or countries outside the United States.**
- (10) The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether**

or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(11) The term "permit or license applicant" means, when used with respect to an action of a Federal agency for which exemption is sought under section 7, any person whose application to such agency for a permit or license has been denied primarily because of the application of section 7(a) to such agency action.

(12) "The term person means an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government; any State, municipality, or political subdivision of a State; or any other entity subject to the jurisdiction of the United States."

(13) The term "plant" means any member of the plant kingdom, including seeds, roots and other parts thereof.

(14) The term "Secretary" means, except as otherwise herein provided, the Secretary of the Interior or the Secretary of Commerce as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970; except that with respect to the enforcement of the provisions of this Act and the Convention which pertain to the importation or exportation of terrestrial plants, the term also means the Secretary of Agriculture.

(15) The term "species" includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species or vertebrate fish or wildlife which interbreeds when mature.

(16) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(17) The term "State agency" means any State agency, department, board, commission, or other governmental entity which is responsible for the management and conservation of fish, plant, or wildlife resources within a State.

(18) The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

(19) The term "threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

(20) The term "United States," when used in a geographical context, includes all States.

§ 1362. Definitions

For the purposes of this chapter—

- (1) The term “depletion” or “depleted” means any case in which—
 - (A) the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under subchapter III of this chapter, determines that a species or population stock is below its optimum sustainable population;
 - (B) a State, to which authority for the conservation and management of a species or population stock is transferred under section 1379 of this title, determines that such species or stock is below its optimum sustainable population; or
 - (C) a species or population stock is listed as an endangered species or a threatened species under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.].
- (2) The terms “conservation” and “management” means the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at their optimum sustainable population. Such terms include the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within these terms, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking.
- (3) The term “district court of the United States” includes the District Court of Guam, District Court of the Virgin Islands, District Court of Puerto Rico, District Court of the Canal Zone, and, in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii.
- (4) The term “humane” in the context of the taking of a marine mammal means that method of taking which involves the least possible degree of pain and suffering practicable to the mammal involved.
- (5) The term “intermediary nation” means a nation that exports yellowfin tuna or yellowfin tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 1371 (a)(2)(B) of this title.
- (6) The term “marine mammal” means any mammal which
 - (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or
 - (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this chapter, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.
- (7) The term “marine mammal product” means any item of merchandise which consists, or is composed in whole or in part, of any marine mammal.
- (8) The term “moratorium” means a complete cessation of the taking of marine mammals and a complete ban on the importation into the United States of marine mammals and marine mammal products, except as provided in this chapter.

(9) The term “optimum sustainable population” means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(10) The term “person” includes

(A) any private person or entity, and

(B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(11) The term “population stock” or “stock” means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature.

(12)

(A) Except as provided in subparagraph (B), the term “Secretary” means—

(i) the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating, as to all responsibility, authority, funding, and duties under this chapter with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia, and

(ii) the Secretary of the Interior as to all responsibility, authority, funding, and duties under this chapter with respect to all other marine mammals covered by this chapter.

(B) in ^[1] section 1387 of this title and subchapter V of this chapter (other than section 1421f-1 of this title) the term “Secretary” means the Secretary of Commerce.

(13) The term “take” means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

(14) The term “United States” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands.

(15) The term “waters under the jurisdiction of the United States” means—

(A) the territorial sea of the United States;

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the other boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured; and

(C) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured, except that this subparagraph shall not apply before the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States.

(16) The term “fishery” means—

(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(B) any fishing for such stocks.

(17) The term “competent regional organization”—

(A) for the tuna fishery in the eastern tropical Pacific Ocean, means the Inter-American Tropical Tuna Commission; and

(B) in any other case, means an organization consisting of those nations participating in a

tuna fishery, the purpose of which is the conservation and management of that fishery and the management of issues relating to that fishery.

(18)

(A) The term “harassment” means any act of pursuit, torment, or annoyance which—
(i) has the potential to injure a marine mammal or marine mammal stock in the wild;
or

(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

(B) In the case of a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) or a scientific research activity conducted by or on behalf of the Federal Government consistent with section 1374 (c)(3) of this title, the term “harassment” means—

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild; or

(ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered.

(C) The term “Level A harassment” means harassment described in subparagraph (A)(i) or, in the case of a military readiness activity or scientific research activity described in subparagraph (B), harassment described in subparagraph (B)(i).

(D) The term “Level B harassment” means harassment described in subparagraph (A)(ii) or, in the case of a military readiness activity or scientific research activity described in subparagraph (B), harassment described in subparagraph (B)(ii).

(19) The term “strategic stock” means a marine mammal stock—

(A) for which the level of direct human-caused mortality exceeds the potential biological removal level;

(B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] within the foreseeable future; or

(C) which is listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or is designated as depleted under this chapter.

(20) The term “potential biological removal level” means the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The potential biological removal level is the product of the following factors:

(A) The minimum population estimate of the stock.

(B) One-half the maximum theoretical or estimated net productivity rate of the stock at a small population size.

(C) A recovery factor of between 0.1 and 1.0.

(21) The term “Regional Fishery Management Council” means a Regional Fishery Management Council established under section 1852 of this title.

(22) The term “bona fide research” means scientific research on marine mammals, the results of which—

(A) likely would be accepted for publication in a referred scientific journal;

(B) are likely to contribute to the basic knowledge of marine mammal biology or ecology; or

(C) are likely to identify, evaluate, or resolve conservation problems.

(23) The term “Alaska Native organization” means a group designated by law or formally chartered which represents or consists of Indians, Aleuts, or Eskimos residing in Alaska.

(24) The term “take reduction plan” means a plan developed under section 1387 of this title.

(25) The term “take reduction team” means a team established under section 1387 of this title.

(26) The term “net productivity rate” means the annual per capita rate of increase in a stock resulting from additions due to reproduction, less losses due to mortality.

(27) The term “minimum population estimate” means an estimate of the number of animals in a stock that—

(A) is based on the best available scientific information on abundance, incorporating the precision and variability associated with such information; and

(B) provides reasonable assurance that the stock size is equal to or greater than the estimate.

(28) The term “International Dolphin Conservation Program” means the international program established by the agreement signed in LaJolla, California, in June, 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama.

(29) The term “Declaration of Panama” means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.

producers individually investigated are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish an "all others" rate for exporters and producers not individually investigated. In this case, although the rate for the only investigated company is based entirely on facts available under section 776 of the Act, there is no other information on the record upon which we could determine an "all others" rate. As a result, we have used the rate for TK as the "all others" rate.

Exporter/Manufacturer	Net Subsidy Rate
PT. Pabrik Kertas Tjiwi Kimia Tbk	40.55 percent
All Others	40.55 percent

As a result of our *Preliminary Determination* and pursuant to section 703(d) of the Act, we instructed the CBP to suspend liquidation of all entries of certain lined paper products from Indonesia which were entered or withdrawn from warehouse, for consumption on or after February 13, 2006, the date of the publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation for subject merchandise for countervailing duty purposes entered on or after June 13, 2006, but to continue the suspension of liquidation of entries made from February 13, 2006, through June 12, 2006.

We will issue a countervailing duty order and reinstate the suspension of liquidation under section 706(a) of the Act if the ITC issues a final affirmative injury determination, and will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an Administrative Protective

Order (APO), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 703(f) and 777(i) of the Act.

Dated: August 9, 2006.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

APPENDIX

List of Comments and Issues in the Decision Memorandum

Comment 1: Application of Adverse Facts Available

Comment 2: Attribution of Subsidies Received by Cross-owned Companies on Input Products

Comment 3: Are Subsidized Logs "Primarily Dedicated" to Certain Lined Paper Products?

Comment 4: Provision of Standing Timber at Preferential Rates

Comment 5: Government Ban on Log Exports

Comment 6: Subsidized Funding of Reforestation (Hutan Tanaman Industria (HTI) Program)

Comment 7: Loan Guarantee

Comment 8: Calculation of Subsidy Denominator

[FR Doc. E6-13472 Filed 8-15-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Commerce Department's International Trade Administration (ITA) and its U.S. Commercial Service posts in India will host a U.S. delegation to the India Business Summit to be led by Under Secretary for International Trade Franklin L. Lavin, November 29-30, 2006, followed by spin-off missions in six Indian cities, December 4-5, 2006. Leaders of U.S. business, industry, education, and state and local

government are among those encouraged to take part in the Summit, which will provide access to India's high-level business, industry, and government representatives and insights into the country's trade and investment climate. The spin-off missions in Bangalore, Calcutta, Chennai, Hyderabad, Mumbai, and New Delhi are open to qualified U.S. exporters in a range of sectors; they will include market briefings, networking events, and one-on-one business appointments with prospective agents, distributors, partners, and end-users.

Recruitment Update: Applications for the Summit and/or the spin-off missions will be reviewed on a rolling basis. Recruitment will close October 2, 2006, or earlier, if all available spaces are filled prior to that date. More information is available at <http://export.gov/Indiamission>.

FOR FURTHER INFORMATION CONTACT:

Nancy Hesser at the Department of Commerce in Washington, DC. Telephone: (202) 482-4663. Fax: (202) 482-2718.

Dated: August 10, 2006.

Nancy Hesser,

Manager, Commercial Service Trade Missions Program.

[FR Doc. E6-13471 Filed 8-15-06; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Steller Sea Lion Protection Economic Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA); Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to Dan Lew, (206) 526-4252 or Dan.Lew@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The National Marine Fisheries Service (NMFS) plans to conduct a survey with the objective of measuring the preferences that U.S. residents have toward protecting the Steller sea lion (*Eumetopias jubatus*), which is a listed species under the Endangered Species Act of 1973 (16 U.S.C. 35). NMFS is charged with protecting this species and has identified numerous potential protection options, and begun implementing selected options, to this end (68 FR 204). Since different management options are available to protect Steller sea lions, it is important to understand the public's attitudes toward the variety of potential impacts on Steller sea lions, Alaskan fisheries and fishing communities, and the nation. This information is currently not available, yet is crucial to ensure the efficient management of Alaskan fisheries and protection of Steller sea lions.

II. Method of Collection

Data will be collected primarily through a mail survey of a random sample of U.S. households. Additional data will be collected in telephone interviews with individuals who do not respond to the mail survey.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents:

2,400 by mail, 2,000 by telephone.

Estimated Time Per Response: 30 minutes per mail respondent, 6 minutes per telephone respondent.

Estimated Total Annual Burden Hours: 1,400.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 10, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6-13386 Filed 8-15-06; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Southeast Region Logbook Family of Forms**

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 16, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Steve Turner, (305) 361-4482 or Steve.Turner@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The participants in most Federally-managed fisheries in the Southeast Region are currently required to keep and submit catch and effort logbooks from their fishing trips. A subset of these vessels also provide information

on the species and quantities of fish, shellfish, marine turtles, and marine mammals that are caught and discarded or have interacted with the vessel's fishing gear. A subset of these vessels also provide information about dockside prices, trip operating costs, and annual fixed costs.

The data are used for scientific analyses that support critical conservation and management decisions made by national and international fishery management organizations. Interaction reports are needed for fishery management planning and to help protect endangered species and marine mammals. Price and cost data will be used in analyses of the economic effects of proposed regulations.

II. Method of Collection

The information is submitted on paper forms. Logbooks are completed daily and submitted on either a by trip or monthly basis, depending on the fishery. Fixed costs are submitted on an annual basis. Other information is submitted on a trip basis.

III. Data

OMB Number: 0648-0016.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 5,658.

Estimated Time Per Response: 20 minutes for a catch and effort report for the Columbian waters fishery; 10 minutes for logbook trip reports in other fisheries; 2 minutes for a negative catch and effort or logbook trip report; 12 minutes for a headboat logbook in the Gulf of Mexico reef fishery and coastal migratory pelagic fisheries and the South Atlantic snapper-grouper fishery; 15 minutes for an aquacultured live rock logbook report; 10 minutes for a trip operating cost survey from the 20% sample of fishermen selected; 30 minutes for an annual fixed-cost economic survey from the 20% sample of fishermen selected; 10 minutes for cost data in the swordfish fishery; and 15 minutes for a discard and marine mammal/bird/sea turtle interaction report from the 20% sample of fishermen selected.

Estimated Total Annual Burden Hours: 16,773.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance

outside diameter of 21 inches and wall thickness of 0.625 or more inches.

Preliminary Results of Review and Intent to Revoke in Part the Antidumping Duty Order

Pursuant to section 751(d)(1) of the Act, the Department may revoke an antidumping or countervailing duty order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.*, a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 351.222(g)(1) of the Department's regulations provides that the Department may revoke an order (in whole or in part) based on changed circumstances, if it determines that: (i) producers accounting for substantially all of the production of the domestic like product to which the order (or part of the order to be revoked) pertains have expressed a lack of interest in the relief provided by the order, in whole or in part, or (ii) other changed circumstances are sufficient to warrant revocation exist. Taking into consideration that (1) the petitioners have uniformly expressed that they do not want relief with respect to this particular product, and that (2) there have been no contrary expressions from the remainder of the known LDLP producers, we are notifying the public of our intent to revoke, in part, certain welded large diameter line pipe from Japan.

Interested parties wishing to comment on these preliminary results may submit briefs to the Department no later than 15 days after the publication of this notice in the **Federal Register**. Parties will have 7 days subsequent to this due date to submit rebuttal comments, limited to the issues raised in those briefs. Parties who submit briefs or rebuttal comments in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument (no longer than five pages, including footnotes). Any requests for hearing must be filed within 30 days of the publication of this notice in the **Federal Register**.

All written comments must be submitted in accordance with 19 CFR 351.303, with the exception that only three (3) copies for each case need be served on the Department. Any comments must also be served on all interested parties on the Department's service list, which is available on our website (<http://ia.ita.doc.gov/apo/index.html>). The Department will issue its final results in this changed circumstances review as soon as

practicable following the above comment period, but not later than 270 days after the date on which the changed circumstances review was initiated, in accordance with 19 CFR 351.216(e), and will publish the results in the **Federal Register**. If the final partial revocation occurs, the Department will instruct U.S. Customs and Border Protection to discontinue the suspension of liquidation for all future entries of merchandise covered by the revocation, and to release any cash deposits or bonds pursuant to 19 CFR 351.222(g)(4). The current requirement for a cash deposit of estimated antidumping duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

This notice is published in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216 and 351.222.

Dated: September 11, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6-15357 Filed 9-14-06; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Correction; Steller Sea Lion Protection Economic Survey

ACTION: Notice.

The National Oceanic and Atmospheric Administration, National Marine Fisheries Service is issuing a correction and clarification of a **Federal Register** notice (71 FR 47177) announcing plans to conduct a survey regarding public preferences for potential results of protection measures on Steller sea lion populations. The following Abstract replaces the one in the aforementioned notice:

I. Abstract

The Steller sea lion is a listed species under the Endangered Species Act of 1973 (16 U.S.C. 35). The public benefits associated with the results of protection actions on the endangered Western and threatened Eastern stocks of Steller sea lions (*Eumetopias jubatus*), such as population increases, are primarily the result of the non-consumptive value people attribute to such protection (e.g., active use values associated with being able to view Steller sea lions and passive use values unrelated to direct

human use). Little is known about these values, yet such information is needed for decision makers to more fully understand the trade-offs involved in choosing among protection alternatives and to complement other information available about the costs, benefits, and impacts of the protection alternatives.

The National Marine Fisheries Service (NMFS) plans to conduct a survey of U.S. citizens, presenting information on Steller sea lions, including information about population trends and current management actions and asking respondents for information regarding their knowledge of and opinions regarding: Steller sea lions, other marine mammals and endangered species, and potential Steller sea lion population increases and changes in listing status that might result from management. The standard socio-demographic information needed to classify respondents will also be collected. The survey will gather a sufficient number of responses to estimate the non-consumptive benefits associated with the results of protection actions on Steller sea lions. This information is currently unavailable, and would be used by analysts to supplement existing information available for the evaluation of Steller sea lion protection alternatives."

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Dr. Dan Lew, National Marine Fisheries Service, Alaska Fisheries Science Center, 7600 Sand Point Way, NE., Seattle, WA 98115; Telephone: (206) 526-4252; Fax: (206) 526-6723; e-mail: dan.lew@noaa.gov.

Dated: September 11, 2006.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E6-15305 Filed 9-14-06; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 083006C]

Vessel Monitoring Systems; Approved Mobile Transmitting Units for use in the Reef Fish Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.