

C. Legal Basis

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

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

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

E. Reporting, Record Keeping and Other Compliance Requirements

None.

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

None.

G. Significant Alternatives

None.

Procedural Information

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

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

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

Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

List of Subjects**47 CFR Part 2**

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

47 CFR Part 80

Radio Stations in the Maritime Services.

47 CFR Part 97

Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 226**

[Docket No. 930236-3036]

Designated Critical Habitat; Steller Sea Lion

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

ACTION: Proposed rule and request for comments.

SUMMARY: NMFS proposes to designate critical habitat for the Steller (northern) sea lion (*Eumetopias jubatus*) pursuant to the Endangered Species Act (ESA). The proposed critical habitat for designation includes (1) all Steller sea lion rookeries and major haulouts (i.e. >200 Steller sea lions) located within state and Federally managed waters off Alaska, including a zone that extends 3,000 feet (0.9 km) landward and vertical of each rookery and major haulout boundary, and that extends either 3,000 feet (0.9 km) seaward from rookeries and major haulouts in Alaska located east of 144° W. longitude, or 20 - nm seaward from rookeries and major haulout sites west of 144° W. longitude; (2) all Steller sea lion rookeries in state and Federally managed waters off Washington, Oregon and California, including the zone that extends 3,000 feet (0.9 km) vertical and seaward from each rookery; and (3) three aquatic foraging habitats within the core of the Steller sea lion's geographic range, one aquatic zone located exclusively in the Gulf of Alaska (GOA), and two aquatic zones in the Bering Sea/Aleutian Islands area (BSAI).

The physical and biological features of the habitat that are essential to the conservation of the species and that may require special management consideration or protection are discussed in the preamble to this proposed rule. The primary benefit of the designation of critical habitat is that it provides notification to Federal agencies that a listed species is dependent on these areas for its continued existence and that any Federal action that may affect these areas is subject to the consultation requirements of section 7 of the ESA. The direct economic and other impacts resulting from this proposed critical habitat designation are expected to be minimal.

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

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

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

SUPPLEMENTARY INFORMATION:**Background****Ecological Consideration**

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

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

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

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

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

Previous Federal Actions

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

20, 1990 and 55 FR 49204, Nov. 26, 1990).

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

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

Recovery Plan

The ESA requires that NMFS develop and implement recovery plans for the conservation and survival of threatened and endangered species. Accordingly, NMFS appointed a Steller Sea Lion Recovery Team (hereafter referred to as the Recovery Team) during April 1990. The Recovery Team submitted a draft Recovery Plan to NMFS on February 15, 1991, which NMFS released for public review and comment (56 FR 11204, March 15, 1991). Following review and comment, a final draft of the Steller Sea

Lion Recovery Plan was submitted by the Recovery Team to NMFS on October 3, 1991, for NMFS review and approval. The final draft Recovery Plan incorporated, to the maximum extent possible, the comments that were submitted to NMFS during the technical review process. The Plan discusses the natural history and current status of the species, as well as the known and potential human impacts on the species, and recommends management and research actions to aid the species' recovery. The final Recovery Plan was approved by NMFS on December 30, 1992.

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

Definition of Critical Habitat

Critical habitat is defined in section 3(5)(A) of the ESA as "(i) the specific areas within the geographical area occupied by the species * * *, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species * * * upon a determination by the Secretary that such areas are essential for the conservation of the species."

Areas outside the current range of a species can only be designated if a designation limited to the species' present distribution would be inadequate to ensure the conservation of the species. The term "conservation," as defined in section 3(3) of the ESA means "* * * to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary."

The criteria to be considered in critical habitat designation are specified under 50 CFR 424.12. NMFS is required to consider those physiological, behavioral, ecological, and evolutionary requirements that are essential to the conservation of the species and that may require special management considerations or protection. Such requirements include, but are not limited to: (1) Space for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or

shelter; (4) sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and (5) habitats that are, generally, protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

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

Consideration of Economic, Environmental and Other Factors

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

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

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

Impacts attributable to listing also include those resulting from the duty of Federal agencies under section 7 to

ensure that their actions are not likely to jeopardize endangered or threatened species. An action could be likely to jeopardize the continued existence of a listed species through the destruction or modification of its habitat, regardless of whether that habitat has been designated as critical.

Significance of Designating Critical Habitat

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

Under the section 7 provisions, a designation of critical habitat would require Federal agencies to ensure that any action they authorize, fund, or carry out is not likely to destroy or adversely modify the designated critical habitat. Activities that adversely modify critical habitat are defined as those actions that "appreciably diminish the value of critical habitat for both the survival and recovery" of the species (50 CFR 402.02). Regardless of a critical habitat designation, Federal agencies must ensure that their actions are not likely to jeopardize the continued existence of the listed species. Activities that jeopardize a species are defined as those actions that "reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery" of the species (50 CFR 402.02). Using these definitions, activities that destroy or adversely modify critical habitat also are likely to jeopardize the species.

Therefore, the protection provided by a critical habitat designation usually only duplicates the protection provided under the section 7 jeopardy provision. Designation of critical habitat may provide additional benefits to a species in cases where areas outside of the species' current range have been designated. In these cases, it is expected that Federal agencies would consult on additional actions occurring in these areas.

A designation of critical habitat provides a clearer indication to Federal

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

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

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

Process for Designating Critical Habitat

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

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

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

Essential Habitat of the Steller Sea Lion

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

Terrestrial Habitat

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

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

(Gentry 1970), and this site may be the same rookery, or approximate rookery (same island) as the female's natal site (Calkins and Pitcher 1982).

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

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

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

Aquatic Habitat

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

Nearshore waters around rookeries and haulouts: For regulatory purposes, the waterward boundary of rookeries and haulouts has been defined as the mean low-water mark. However, biologically, the boundaries are not that simply delineated. Nearshore waters surrounding rookeries and haulouts are an integral component of these habitats.

Animals must regularly transit this region as they go to, and return from, feeding trips. As pups mature, they spend an increasing amount of time in waters adjacent to rookeries, where they develop their swimming ability and other aquatic behaviors. Waters surrounding rookeries and haulouts also provide a refuge to which animals may retreat when they are displaced from land by disturbance.

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

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

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

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

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

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

Need for Special Management Considerations or Protection

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

Terrestrial Habitats

The Steller sea lion's use of traditional sites, and the link of territorial males, postpartum females, and pups to rookery sites during the breeding season make them particularly vulnerable to intentional harassment. Observed responses to human disturbance vary from no reaction at all to mass stampedes into the water. In some cases, haulout sites have been completely abandoned after repeated disturbances, whereas in other cases sea lions have continued to use sites even after extreme harassment (Hoover 1988). The remote locations of most rookeries

and haulouts help to reduce the frequency of harassment, but disturbance of sea lions by air and water craft continues to occur. Steller sea lions are vulnerable to harassment and disruption of essential life functions (e.g., breeding, pup care, and rest) at rookeries and haulouts throughout their range.

Aquatic Habitats

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

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

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

Conservation and management of prey resources and foraging areas appears essential to the recovery of the Steller sea lion population. The quality and quantity of these resources may be degraded by human activities, e.g., pollutant discharges, habitat losses associated with human development, and commercial fisheries. Available

data indicate that contamination of sea lion food resources by anthropogenic pollutants has not been a significant factor in the Steller sea lion decline. Changes in prey base due to physical habitat alteration also appear insignificant. Local degradation of sea lion food resources may occur near human population centers, along shipping lanes, and near drill sites. Presently, there is insufficient information to identify any specific geographic areas where additional management measures to protect sea lion food resources from contaminant inputs and habitat loss, beyond the existing state and Federal regulations, are necessary.

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

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

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

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

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

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

Activities That May Affect Essential Habitat

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

sites throughout range); and (9) subsistence harvest (Alaska).

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

Expected Impacts of Designating Critical Habitat

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

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

This designation will assist Federal agencies in evaluating the potential environmental impacts of their activities on Steller sea lions or their critical habitat, and in determining when consultation with NMFS would be appropriate. Currently (prior to the proposed critical habitat designation), Federal agencies active within the range of the Steller sea lion are required to consult with NMFS regarding projects and activities they permit, fund, or otherwise carry out that may affect the species pursuant to section 7 of the ESA. A Federally regulated activity may be conducted in an area designated as critical habitat if the authorizing Federal agency determines through the ESA section 7 consultation process that the

activity is not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of its critical habitat. It is difficult to separate these two concepts. Activities that result in the destruction or adverse modification of critical habitat are also very likely to jeopardize the continued existence of the species, given the definitions specified in 50 CFR 402.02, regardless of any official critical habitat designation or the absence of such a designation. Therefore, in most situations, if not all, such consultations would be required even without this critical habitat designation because an action that is likely to affect the critical habitat would also be expected to affect the species. Additional consultations as a result of this designation are unlikely to be necessary.

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

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

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

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

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

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

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

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

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

Proposed Critical Habitat: Essential Features

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

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

and major haulouts located in Alaska east landward and vertical of each rookery and major haulout boundary, and a zone that extends either 3,000 feet (0.9 km) of 144° W. longitude.

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

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

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

(3) NMFS proposes to follow the recommendations of the Recovery Team and designate critical aquatic foraging habitat within the core of the Steller sea lion's geographic range, where the greatest population decline has been observed. The Recovery Team recommended one aquatic zone for critical habitat designation that is

located exclusively in the GOA (Shelikof Strait) (figure 1 of proposed 50 CFR 226.12), and two aquatic zones in the BSAI area (Bogoslof Island area and Seguam Pass) (figures 2 and 3 of proposed 50 CFR 226.12). These sites were selected because of their geographic location relative to Steller sea lion abundance centers, their importance as Steller sea lion foraging areas, their present or historical importance as habitat for large concentrations of Steller sea lion prey items that are essential to the species' survival, and because of the need for special consideration of Steller sea lion prey and foraging requirements in the management of the large commercial fisheries that occur in these areas.

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

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

Public Comments Solicited

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

References

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

Classification

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

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

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

habitat designation, NMFS has prepared an EA. Copies of the EA are available on request (see ADDRESSES).

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

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

List of Subjects in 50 CFR Part 226

Endangered and threatened wildlife.

Dated: March 25, 1993.

Nancy Foster,

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

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

PART 226—DESIGNATED CRITICAL HABITAT

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

Authority: 16 U.S.C. 1533.

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

§ 226.12 North Pacific Ocean

Steller Sea Lion (*Eumetopias jubatus*)

All rookeries and major haulouts within the state and Federally managed waters off Alaska, including a zone that

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

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

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

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

TABLE 1 TO PART 226

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

TABLE 1 TO PART 226—Continued

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

Major Steller sea lion haulout sites are identified in the following table. Each baseline extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates; or, if only one set of

coordinates is listed, the site extends around the entire shoreline of the island at mean lower-low water. Proposed critical habitat includes the area 3,000 feet (915 meters) landward and seaward from the site baseline, and a vertical extension above the land area measured

from sea level. For sites identified with an asterisk, the proposed critical habitat includes the area 20 nautical miles (32 kilometers) seaward from the site baseline.

TABLE 2 TO PART 226

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

TABLE 2 TO PART 226—Continued

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

TABLE 2 TO PART 226—Continued

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

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

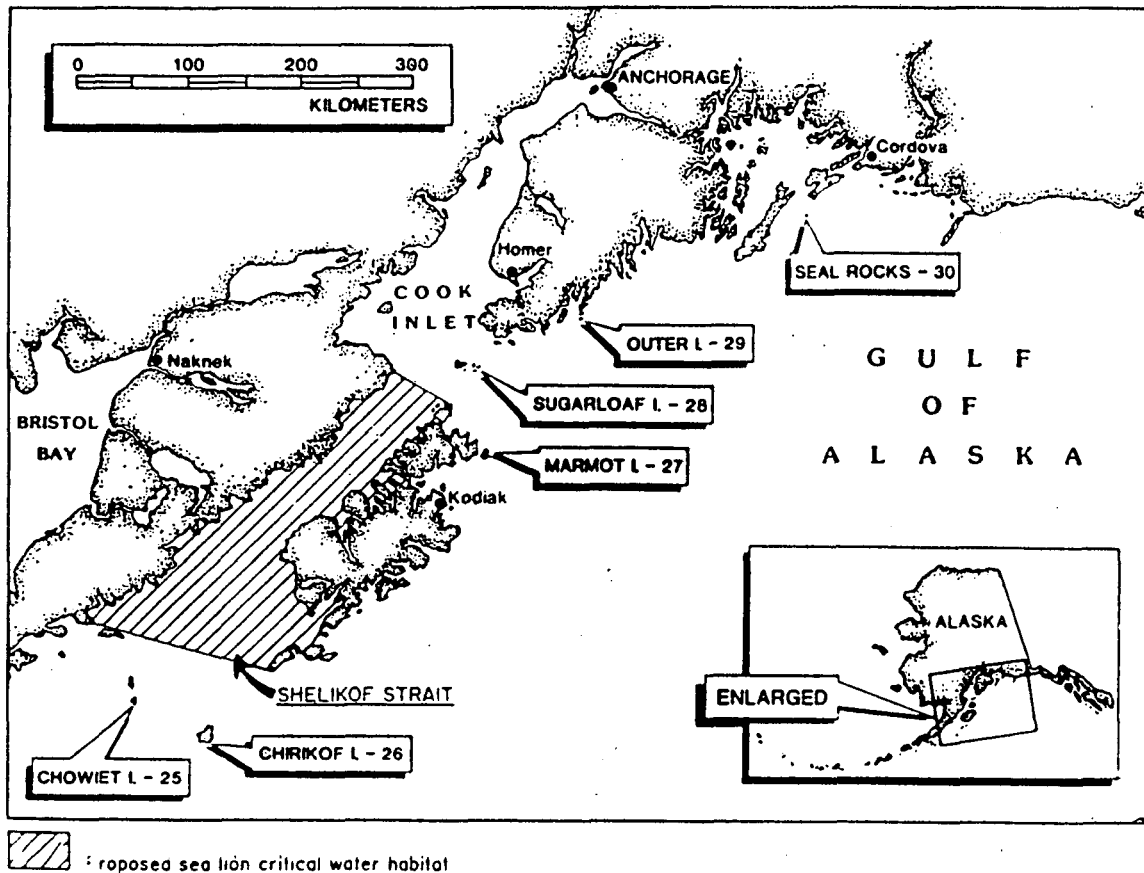


Figure 2 to Part 226: Proposed Steller sea lion critical habitat in the vicinity of Bogoslof Island. Locations indicated are major Steller sea lion rookeries.

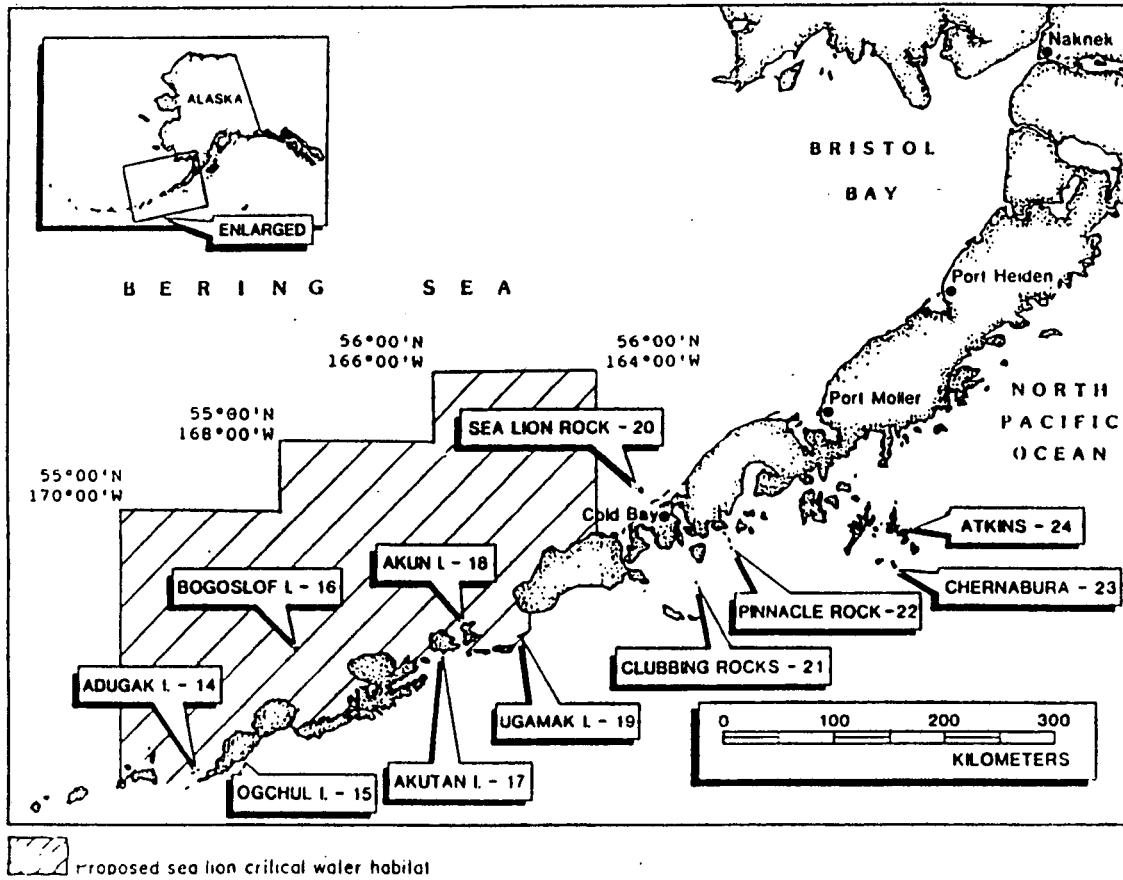
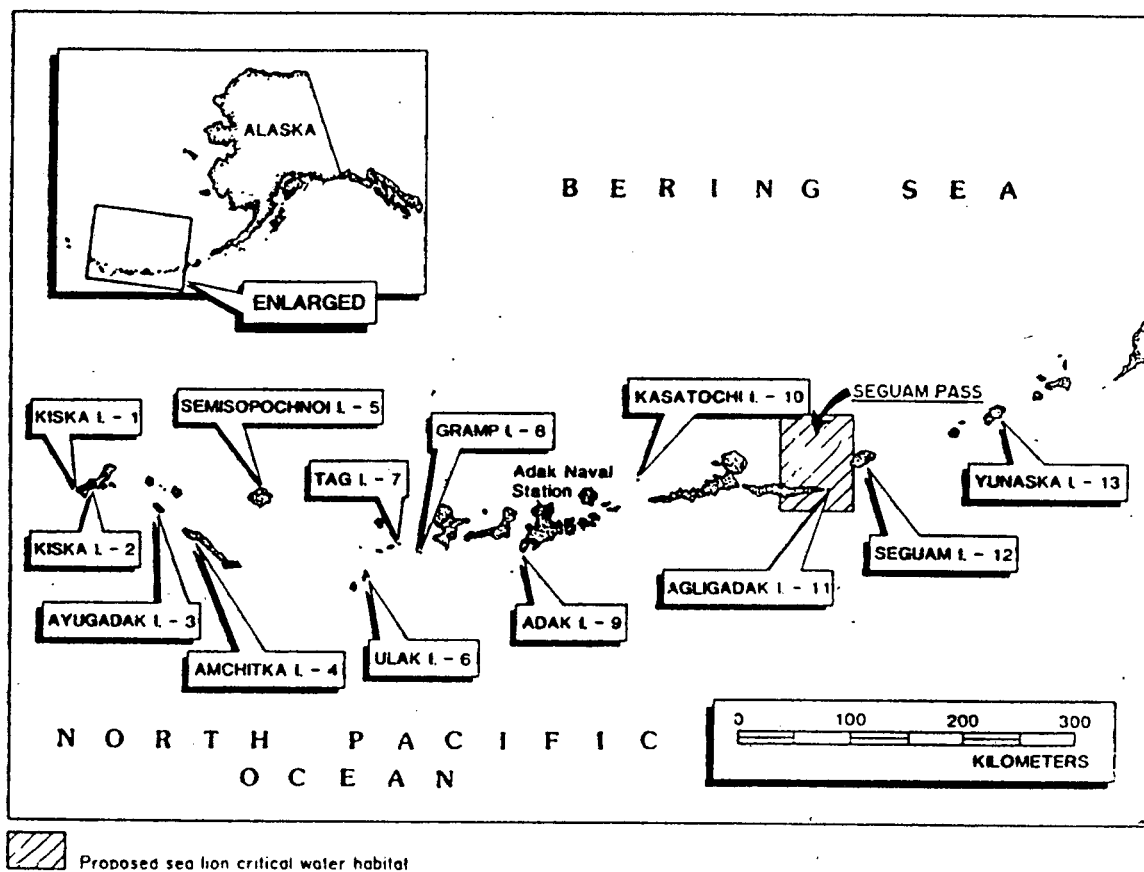


Figure 3 to Part 226: Proposed Steller sea lion critical habitat in vicinity of Sequam Pass. Locations indicated are major Steller sea lion rookeries.



 Proposed sea lion critical water habitat

[FR Doc. 93-7512 Filed 3-31-93; 8:45 am]
BILLING CODE 3510-22-M

50 CFR Part 672

[Docket No. 921185-3022]

Groundfish of the Gulf of Alaska

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes two changes to the regulations governing the opening of the sablefish hook-and-line gear fishery in the Gulf of Alaska (GOA). The first would redefine the start of the GOA sablefish hook-and-line gear fishery to prohibit operators of vessels that deploy hook-and-line gear within 72 hours of the opening from participating in the directed sablefish fishery. This action is necessary to clarify NMFS' intent with respect to the opening of directed fishing for sablefish with hook-and-line gear, and reduce both gear conflicts and

preemptions of the fishing grounds. The second proposed action would set the annual mid-May opening date as the mid-May date upon which the tide with the smallest tidal range occurs—the least damaging tidal range for hook-and-line gear. This action is necessary to provide safer fishing conditions and reduce economic costs resulting from gear loss. The intent of these actions is to promote the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to groundfish management off Alaska.

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

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

FOR FURTHER INFORMATION CONTACT:

Ellen R. Varosi, Fisheries Management Division, (907) 586-7228.

SUPPLEMENTARY INFORMATION:

Background

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

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