DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 900387-0087]

Listing of Steller Sea Lions as Threatened Under Endangered Species Act With Protective Regulations

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

ACTION: Emergency interim rule and request for comments.

SUMMARY: The number of Steller (northern) sea lions (*Eumetopias jubatus*) observed on certain rookeries in Alaska declined by 63% since 1985 and by 82% since 1960. The declines are spreading to previously stable areas and accelerating. Significant declines have also occurred on the Kuril Islands, USSR. NMFS is listing the Steller sea lion as a threatened species under the Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.* (ESA) and is establishing protective regulations as emergency interim measures to begin the population recovery process. Comments are requested on whether or not the species should be listed as endangered or threatened, possible causes of the decline, and conservation measures and protective regulations needed to prevent further declines.

DATES: This emergency rule is effective on April 5, 1990, and expires on December 31, 1990. Comments are requested by May 7, 1990.

ADDRESSES: Comments should be mailed to Dr. Nancy Foster, Director, Office of Protected Resources and Habitat Programs (F/PR), NMFS, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Karnella, Chief, Protected Species Management Division, Silver Spring, MD, 301-427-2322, or Dr. Howard Braham, Director, National Marine Mammal Laboratory, Seattle, WA, 206-526-4045.

SUPPLEMENTARY INFORMATION:

Background

The Steller (northern) sea lion, *Eumetopias jubatus*, ranges from Hokkaido, Japan, through the Kuril Islands and Okhotsk Sea, Aleutian Islands and central Bering Sea, Gulf of Alaska, southeast Alaska, and south to central California. There is not sufficient information to consider animals in different geographic regions as separate populations. The centers of abundance and distribution are the Gulf of Alaska and Aleutian Islands, respectively. Rookeries (breeding colonies) are found from the central Kuril Islands (46° N.) to Ano Nuevo Island California (37° N.); most large rookeries are in the Gulf of Alaska and Aleutian Islands. More than 50 Steller sea lion rookeries and a greater number of haulout sites have been identified.

In 1985, 68,000 animals were counted in Alaska from Kenai Peninsula to Kiska Island, compared to 140,000 counted in 1956-60. A 1988 Status Report concluded that the population size in 1985 was probably below 50% of the historic population size in 1956-60 and below the lower bound of its optimum sustainable population level under the Marine Mammal Protection Act, 16 U.S.C. *et seq.* (MMPA). A 1989 survey showed that the number of observed animals from Kenai to Kiska declined to 25,000 animals. This indicates a decline of about 82% from 1956-60 to 1989 in this area. The counts are not an estimate of total numbers of animals but include only those animals on the beach (excluding pups) at the time of the survey. As such, they can be used to indicate trends in abundance, rather than estimating total species abundance. Copies of the 1988 Status Report and a 1989 Update are available from the **ADDRESSES** listed above.

Species abundance estimates during the late 1970s ranged from 245-290,000 adult and juvenile animals. Although we do not have current population estimates, total counts of sea lions during the 1989 survey were about 66,000, with declines reported on the Kuril Islands, Aleutian Islands, and the Gulf of Alaska:

Alaska	53,000
WA, OR and CA	4,000
British Columbia	6,000
Soviet Union	3,000
	66,000

Designation Under the MMPA

Based on the 1988 Status Report, NMFS intended to prepare a proposed rule to designate the Steller sea lions in Alaska as depleted under the MMPA and published an Advance Notice of Proposed Rulemaking (53 FR 16299, May 6, 1988). Most comments expressed strong concern that a depletion designation for Steller sea lions would seriously curtail or possibly end commercial fishing, especially trawl fishing, in the sea lion's range because incidental take of depleted stocks was prohibited by the NMPA.

In October 1988, the MMPA was amended to include a new section 114 to replace most earlier provisions for granting incidential take authority to commercial fishermen with an interim exemption system valid until October 1, 1993. The purpose of the new system was to provide better information on interactions between commercial fisheries and marine mammals and allows commercial fishing operations to continue whether or not depleted stocks or stocks of unknown status were taken. Information collected during the exemption period will be used in the development of a long-term program governing the taking of marine mammals associated with commercial fishing after October 1, 1993.

Petition for Listing

On November 21, 1989, the Environmental Defense Fund and 17 other environmental organizations petitioned NMFS for an emergency rule listing all populations of Steller sea lions in Alaska as endangered and to initiate a rulemaking to make that emergency listing permanent. Under section 4 of the ESA, NMFS determined that the petition presented substantial information indicating the action may be warranted and requested comments (February 22, 1990, 55 FR 6301). Comments received in response to that notice and this emergency rule will be considered in determining whether the species should be proposed for listing as endangered or threatened.

Summary of Factors Affecting the Species

An endangered species is any species which is in danger of extinction throughout all or a significant portion of its range and a threatened species is any species which is likely to become an endangered species within the foreseeable furture throughout all or a significant portion of its range. Species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1) of the ESA. These factors as they apply to Steller sea lions are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Steller sea lions breed on islands in the North Pacific Ocean generally far from human habitations. Although rookery space availability could be a limiting factor for this species, there is no evidence of rookery habitat curtailment. In fact, as the number of animals continues to decline, rookeries are being abandoned and available rookery space is increasing.

The feeding habitats of Steller sea lions in Alaska may have changed. State of Alaska biologists found that populations in the Gulf of Alaska during the 1980s had slower growth rates, poorer physical fitness (lower weights, smaller girth), and lowered birth rates. Some data show a high negative correlation between the amount of walleye pollock caught and sea lion abundance trends in the eastern Aleutians and central Gulf of Alaska. It is possible that a reduction in availability of pollock, the most important prey species in most areas, is a contributing factor in the decline in the number of Steller sea lions in western and central Alaska.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Between 1963–72, over 45,000 Steller sea lion pups were commercially harvested in the eastern Aleutian Islands and Gulf of Alaska. This harvest may explain declines seen in these areas through the 1970s. Small subsistence harvests of Steller sea lions occur in Alaska but are not of sufficient magnitude to contribute to the overall decline. A small number has also been taken for public display and scientific research purposes.

C. *Disease or predation.* Sharks, killer whales and brown bears are known to prey on Steller sea lion pups. Mortality from sharks and bears are not considered to be significant. When sea lion abundance was high, the level of mortality from killer whales was probably not significant but as sea lion numbers decline this mortality may exacerbate the decline in certain areas.

Disease resulting in reproductive failure or death could be a source of increased mortality in Steller sea lion populations, but it probably does not explain the massive declines in numbers. Antibodies to two types of pathological bacteria (*Leptospira* and *Chlamydia*) and one marine calicivirus (San Miguel Sea Lion Virus) were found in the blood of Steller sea lions in Alaska. Leptospires and San Miguel sea lion viruses may be associated with reproductive failures and deaths in California sea lions and North Pacific fur seals. *Chlamydia* has not been studied previously in sea lions, but is known from studies of Pribilof Island fur seals. None of these agents is thought to be a significant cause of mortality in Steller sea lions.

D. *The inadequacy of existing regulatory mechanisms.* Some protection for the Steller sea lion is provided under MMPA which prohibits the taking of Steller sea lions with certain exceptions including an interim exemption for commercial fishing. Once 1,350 Steller sea lions have been killed incidental to commercial fishing, section 114 of the MMPA requires NMFS to prescribe emergency regulations to prevent to the maximum extent practicable any further taking. Intentional lethal takes are prohibited. In addition, section 114(g) of the MMPA provides that regulations may be prescribed to prevent taking of a marine mammal species in a commercial fishery if it is determined that the incidental taking of the marine mammal in that fishery is having or will likely have a significant adverse impact on that marine mammal population stock. The MMPA also requires NMFS to prepare a conservation plan for Steller sea lions by December 31, 1990.

E. *Other natural or manmade factors affecting its continued existence.* Steller sea lions are taken incidental to commercial fishing operations in the Gulf of Alaska and the Bering Sea.

Between 1973–1988, U.S. observers on foreign and joint venture vessels operating in these areas reported 3,661 marine mammals taken. Steller sea lions accounted for 90% of this observed total. Based on these observed takes and an extrapolation of total tonnage of fish caught over this time period, the total number of Steller sea lions incidentally killed by the foreign and joint venture commercial trawl fisheries during 1973–1988 is an estimated 14,000. However, since 1985 the level and rate of observed incidental take has decreased to the point where, by itself, it is not sufficient to account for the most recently observed declines. Incidences of fishermen shooting adult Steller sea lions at rookeries, haul out sites, and in the water near boats have been reported, but the magnitude of this source of mortality is unknown.

Observer programs under the MMPA, and for the groundfish fisheries of Alaska under the Magnuson Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* (Magnuson Act), will assist NMFS in

determining whether the incidental take of Steller sea lions during commercial fishing operations or other observable activities are factors in the decline in the number of these animals in Alaska.

Reasons for Emergency Determination

As discussed above, the number of Steller sea lions observed on certain rookeries in Alaska declined by 63% since 1985 and by 82% since 1960. The declines are spreading to previously stable areas and accelerating. The decline has spread from the eastern Aleutian Islands, where the decline began in the early 1970s, east to the Gulf of Alaska, and west to the previously stable central Aleutian Islands. Significant declines have also occurred on the Kuril Islands, USSR. The rates of decline in the eastern Aleutian Islands and the western Gulf of Alaska are increasing. The cause(s) of these declines have not been determined, and essential research is continuing.

NMFS concludes that the Steller sea lion should be listed as a threatened species on an emergency interim basis and believes that immediate implementation of the protective measures of the ESA will aid recovery efforts.

Available Conservation Measures

Conservation measures for species that are listed as endangered or threatened under the ESA include recognition, recovery actions, implementation of certain protective measures, and designation and protection of critical habitat. Section 7(a) of the ESA requires Federal agencies to carry out programs for the conservation of endangered and threatened species. Section 7(b) requires that each Federal agency insure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat.

In the case of the Steller sea lion, Federal actions most likely to affect this species include approval and implementation of Fishery Management Plans and regulations under the Magnuson Act, permitted activities associated with timber, mineral, and oil development on land near rookeries and haulout sites, and leasing activities associated with oil and gas exploration and development on the Outer Continental Shelf.

In addition, the following emergency conservation measures are being implemented by NMFS to facilitate recovery of the Steller sea lion:

A. Management Actions

1. *Monitoring incidental take in fisheries.* Under the interim exemption system established by the 1988 MMPA amendments, all Category I fisheries are subject to 20–35% observer coverage. Similarly, almost all Federally-licensed vessels in groundfish fisheries off Alaska will carry observers. All groundfish vessels over 125 feet in length and all foreign vessels will carry observers at all times. Each groundfish vessel of 60–125 feet in length will carry observers during 30% of its operations in each three-month period. These observer programs, together with estimates of fishing effort, will be used to make monthly estimates of the level of incidental kill of Steller sea lions in observed fisheries. NMFS may also establish additional observer programs in other fisheries under the authority in this emergency rule. These actions will allow NMFS to monitor a quota or catch limit for Steller sea lions.

2. *Enforcement.* NMFS intends to aggressively enforce these regulations, especially as they relate to intentional, lethal takes of Steller sea lions. Enforcement resources will be provided, to the extent possible, to cover areas and seasons where Steller sea lions are most vulnerable, to initiate an active TIP/Reward Program, and to promote public awareness.

3. *Establishment of a Recovery Program.* NMFS is establishing a Recovery Team to provide recommendations on further conservation measures. Members of the North Pacific Fishery Management Council, the Marine Mammal Commission, state agencies, and other prominent scientists and environmentalists will be invited to participate in developing and implementing a recovery program. The Pacific States Marine Fisheries Commission, in emergency consultation with interested parties, held a workshop on February 21–22 to identify and assess additional possible actions that might be undertaken on an emergency basis.

B. Protective Regulations

1. *Prohibit shooting near sea lions.* Although the MMPA prohibits intentional lethal take of Steller sea lions in the course of commercial fishing, fishermen have not been prohibited from harassing sea lions that are interfering with their gear or catch by shooting at or near them. Since these practices may result in inadvertent mortalities, NMFS is prohibiting shooting at or near Steller sea lions.

2. *Establish Buffer Zones.* NMFS is establishing a buffer zone of 3 nautical miles around the principle Steller sea lion rookeries in the Gulf of Alaska and the Aleutian Islands. Rookeries in southeastern Alaska, east of 141° W longitude, have not experienced the declines reported in central and western Alaska and no buffer zones are established for these areas. No vessels are allowed to operate within the 3-mile buffer zones during the period of this emergency rule. Similarly, no person may approach on land closer than one-half (½) mile or within sight of the listed Steller sea lion rookeries. On Marmot Island, no person may approach closer than one and one-half (1½) miles from the eastern shore. Marmot Island has traditionally been the most important Steller sea lion rookery in Alaska and the eastern beaches are used throughout the year by Steller sea lions.

The purposes of the buffer zones include restricting the opportunities for individuals to shoot at sea lions and facilitating enforcement of this restriction; reducing the likelihood of interactions with sea lions, such as accidents or incidental takings in these areas where concentrations of these animals are expected to be high; minimizing distrubances and interference with sea lion behavior, especially at pupping and breeding sites; and, avoiding or minimizing other related adverse affects. Exceptions are provided for emergency situations and navigational transit of certain passageways and straits. Furthermore, a mechanism is provided to allow the Regional Director, with the concurrence of the Assistant Administrator, to provide exemptions for certain activities. All exemptions must be in writing and obtained in advance of the activity. In order to be eligible for an exemption, the activity must not have a significant adverse impact on sea lions, the activity must have been conducted historically or traditionally in the buffer zones, and there must be no feasibly available and acceptable alternative to or site for the activity.

An exception is included in the regulations for conducting research on Steller sea lions provided that the research is authorized by a scientific permit issued under the MMPA. Because this is an emergency action and NMFS does not want to delay valuable research, NMFS is not requiring a separate research permit under the ESA.

3. *Establish Incidental Kill Quota.* When the MMPA was amended in 1988 to require emergency regulations once 1,350 Steller sea lions were incidentally killed in any year, the population numbers were based, in part, on 1985 data. In four study areas in Alaska,

Steller sea lions declined by an average of 63% from 1985 to 1989. Therefore, as an emergency interim measure NMFS believes that the incidental killing of more than 675 Steller sea lions on an annual basis should be prohibited in Alaskan waters and adjacent areas of the U.S. Exclusive Economic Zone (EEZ) west of 141° W longitude. The most serious declines in numbers of Steller sea lions have occurred in this area. As discussed above, in association with this quota, NMFS is instituting a more efficient monitoring system. If NMFS determines and publishes notice that 675 Steller sea lions have been killed in this area during 1990, it will be unlawful to kill any additional Steller sea lion. Animals killed during 1990 prior to the publication of this emergency rule will be counted against this quota. NMFS may issue emergency rules to allocate the quota among various fisheries, establish closed areas, or take other action to ensure that commercial fishing operations do no exceed the quota.

Critical Habitat

The ESA requires that critical habitat be specified to the maximum extent prudent and determinable at the time the species is proposed for listing. NMFS intends to propose critical habitat at the earliest possible date as a part of the permanent rulemaking. NMFS will consider physical and biological factors essential to the conservation of the species that may require special management consideration or protection. These habitat requirements include breeding rookeries, haulout sites, feeding areas and nutritional requirements. In describing critical habitat, NMFS will take into consideration terrestrial habitats adjacent to rookeries and their need for protection from development and other uses, such as logging or mining.

Classification

Since the Assistant Administrator for Fisheries, NOAA, has determined that the present situation poses a significant risk to the well-being of Steller sea lion populations, emergency regulations can be issued under section 4(b)(7) of the ESA. The Assistant Administrator finds that reasons justifying promulgation of this rule on an emergency basis make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date under section 553(b) and (d) of the Administrative Procedure Act.

Section 4(b)(1) of the ESA restricts the information which may be considered when assessing species for listing. Based on this limitation and the opinion in *Pacific Legal Foundation* v. *Andrus*, 675 F. 2d 829 (6th cir., 1981), NMFS has categorically excluded all listing actions under the ESA from environmental assessment requirements of the National Environmental Policy Act (48 FR 4413–23, February 6, 1984).

As noted in the Conference report on the 1982 amendments to the ESA, economic considerations have no relevance to determinations regarding the status of species. Therefore, the economic analysis requirements of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act are not applicable to the lising process.

List of Subjects in 50 CFR Part 227

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

Dated: April 2, 1990.

William W. Fox, Jr.,

Assistant Administrator for Fisheries.

PART 227—[AMENDED]

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

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

2. Section 227.4 is amended by adding a new paragraph (f) from April 5, 1990 through December 3, 1990, to read as follows:

§ 227.4 Enumeration of threatened species.

* * * * *

(f) Steller (northern) sea lion (*Eumetopias jubatus*).

3. Section 227.12 is added to supbart B from April 5, 1990, through December 3, 1990, to read as follows:

§ 227.12 Steller sea lion.

(a) *Prohibitions*—(1) *No discharge of firearms.* Except as provided in paragraph (b) of this section, no person subject to the jurisdiction of the United States may discharge a firearm at or near a Steller sea lion. A firearm is any weapon, such as a pistol or rifle, capable of firing a missile using an explosive charge as a propellant.

(2) *No approach in buffer areas.* Except as provided in paragraph (b) of this section:

(i) No owner or operator of a vessel may allow the vessel to approach within 3 nautical miles of a Steller sea lion rookery site listed in paragraph (a)(3) of this section;

(ii) No person may approach on land not privately owned within one-half statutory mile or within sight of a Steller sea lion rookery site listed in paragraph (a)(3) of this section, whichever is greater, except on Marmot Island; and

(iii) No person may approach on land not privately owned within one and one-half statutory miles or within sight of the eastern shore of Marmot Island, including the Steller sea lion rookery site listed in paragraph (a)(3) of this section, whichever is greater.

(3) *Listed sea lion rookery sites.* Listed Steller sea lion rookery sites consist of the rookeries in the Aleutian Islands and the Gulf of Alaska listed in Table 1.

TABLE 1.—LISTED STELLER SEA LION ROOKERY SITES [1]

Island	From		To		NOAA chart	Notes
	Lat.	Long.	Lat.	Long.		
Outer I	59°20.5 N	150°23.0 W	51°21.0 N	150°24.5 W	16681	S quadrant.
Sugarloaf I	58°53.0 N	152°02.0 W			16580	whole island.
Marmot I	58°13.0 N	151°48.0 W	58°09.5 N	151°52.0 W	16580	SE quadrant.
Chirikof I	55°47.5 N	155°33.5 W	55°48.5 N	155°43.0 W	16580	S quadrant.
Chowiet I	56°02.0 N	156°41.0 W	56°01.5 N	156°44.0 W	16013	S quadrant.
Atkins I	55°03.5 N	159°18.5 W			16540	whole island.
Chernabura I	54°47.5 N	159°31.0 W	54°45.5 N	159°33.5 W	16540	SE corner.
Pinnacle Rock	54°46.0 N	161°46.0 W			16540	whole island.
Clubbing Rks(N)	54°43.0 N	162°26.5 W			16540	whole island.
Clubbing Rks(S)	54°42.0 N	162°26.5 W			16540	whole island.
Sea Lion Rks	55°28.0 N	163°12.0 W			16520	whole island.
Ugamak I	54°14.0 N	164°48.0 W	54°13.0 N	164°48.0 W	16520	E end of island.
Akun I	54°17.5 N	165°34.0 W	54°18.0 N	165°31.0 W	16520	Billings Head Bight.
Akutan I	54°03.5 N	166°00.0 W	54°05.5 N	166°05.0 W	16520	SW corner, Cape Morgan.

TABLE 1.—LISTED STELLER SEA LION ROOKERY SITES [1]—Continued

Island	From		To		NOAA chart	Notes
	Lat.	Long.	Lat.	Long.		
Bogoslof I	53°56.0 N	168°02.0 W			16500	whole island.
Ogchul I	53°00.0 N	168°24.0 W			16500	whole island.
Adugak I	52°54.5 N	169°09.5 W			16500	whole island.
Yunaska I	52°42.0 N	170°38.5 W	52°41.0 N	170°34.5 W	16500	NE end.
Seguam I	52°21.0 N	172°35.0 W	52°21.0 N	172°33.0 W	16480	N coast, Saddleridge Pt.
Agligadak I	52°06.25 N	172°54.0 W			16480	whole island.
Kasatochi I	52°10.0 N	175°31.0 W	52°10.5 N	175°29.0 W	16480	N half of island.
Adak I	51°36.0 N	176°55.5 W	51°38.0 N	176°59.0 W	16460	SW point, Cape Yakak.
Gramp rock	51°29.0 N	178°20.5 W			16460	whole island.
Tag I	51°33.5 N	178°34.5 W			16460	whole island.
Ulak I	51°20.0 N	178°57.0 W	51°18.5 N	178°59.5 W	16460	SE corner, Hasgox Pt.
Semisopochnoi	51°58.5 N	179°45.5 E	51°57.0 N	179°46.0 E	16440	E quadrant, Pochnoi Pt.
Semisopochnoi	52°01.5 N	179°37.5 E	52°01.5 N	179°39.0 E	16440	N quadrant, Petrel Pt.
Amchitka I	51°23.5 N	179°26.0 E	51°22.0 N	179°23.0 E	16440	East Cape.
Amchitka I	51°32.5 N	178°50.0 E			16440	Column Rocks.
Ayugadak Pt	51°45.5 N	178°24.5 E			16440	SE coast of Rat I.
Kiska I	51°56.5 N	177°19.0 E	51°58.0 N	177°20.5 E	16440	W central, Lief Cove.
Kiska I	51°53.0 N	177°13.0 E	51°54.0 N	177°14.0 E	16440	Cape St. Stephen.

[1] Each site extends from the first coordinates listed for latitude and longitude along the shoreline at mean lower low water to the second coordinates listed; or, if only one set of coordinates is listed, the site extends around the entire shoreline of the island at mean lower low water.

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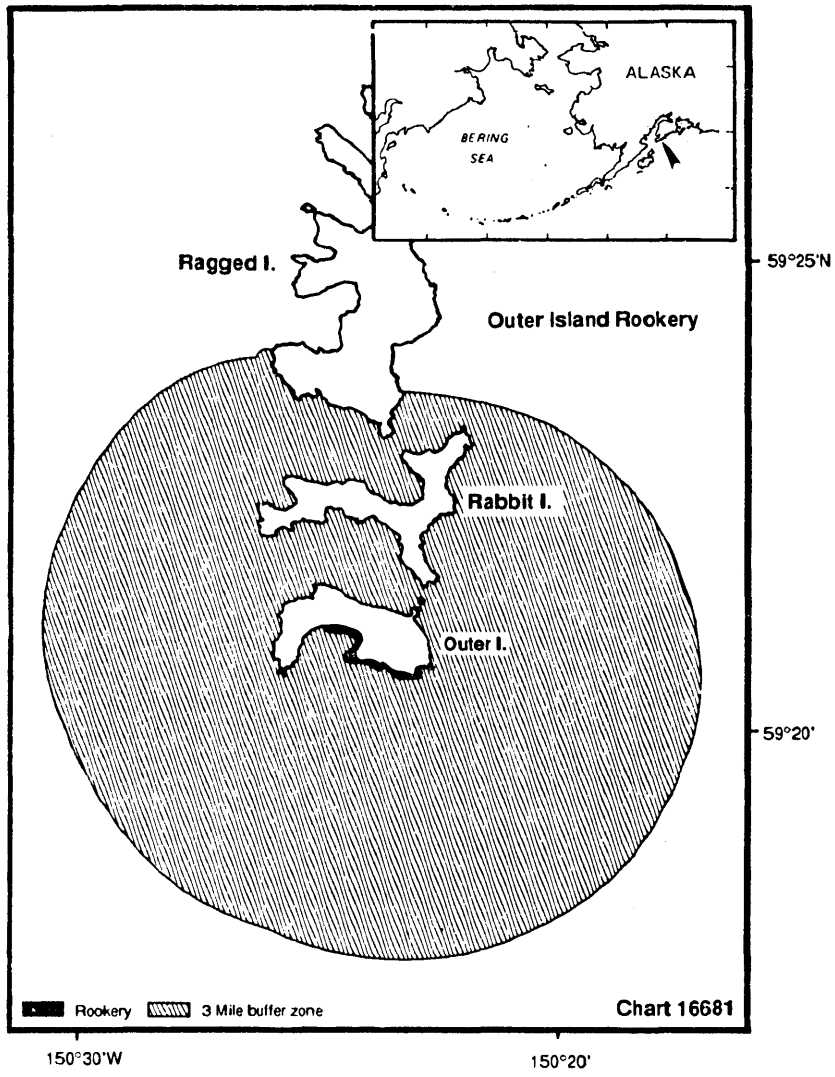
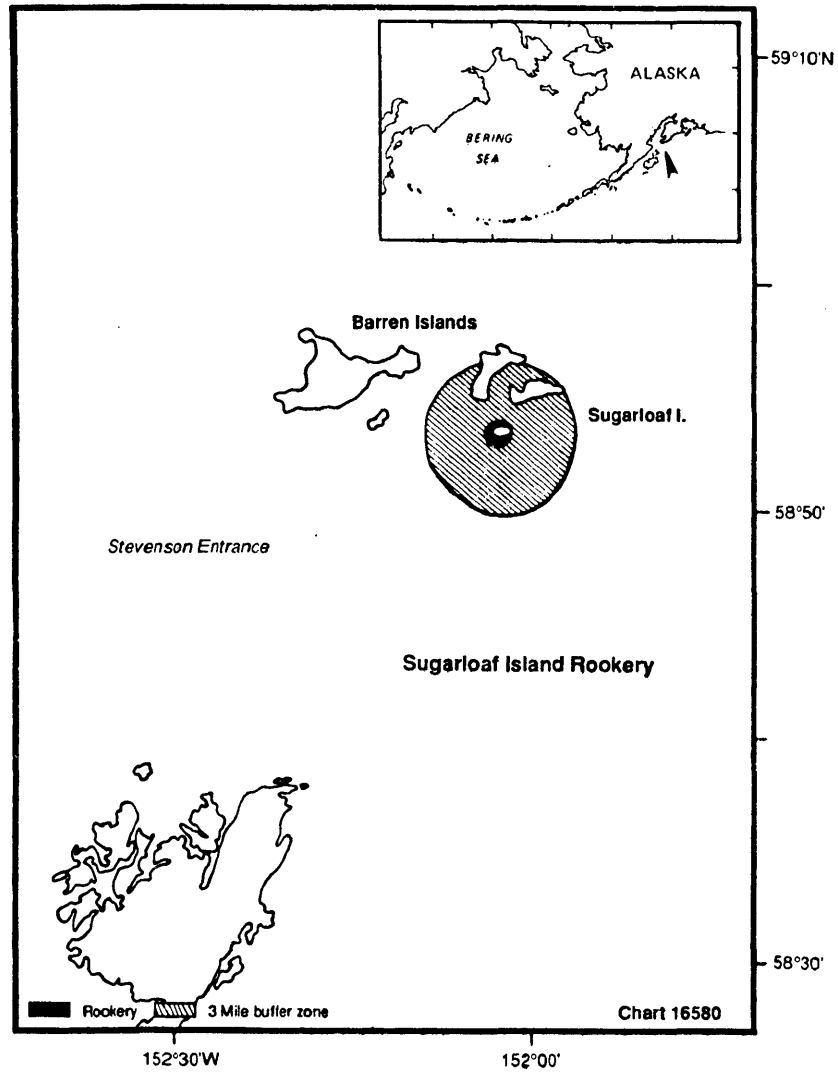
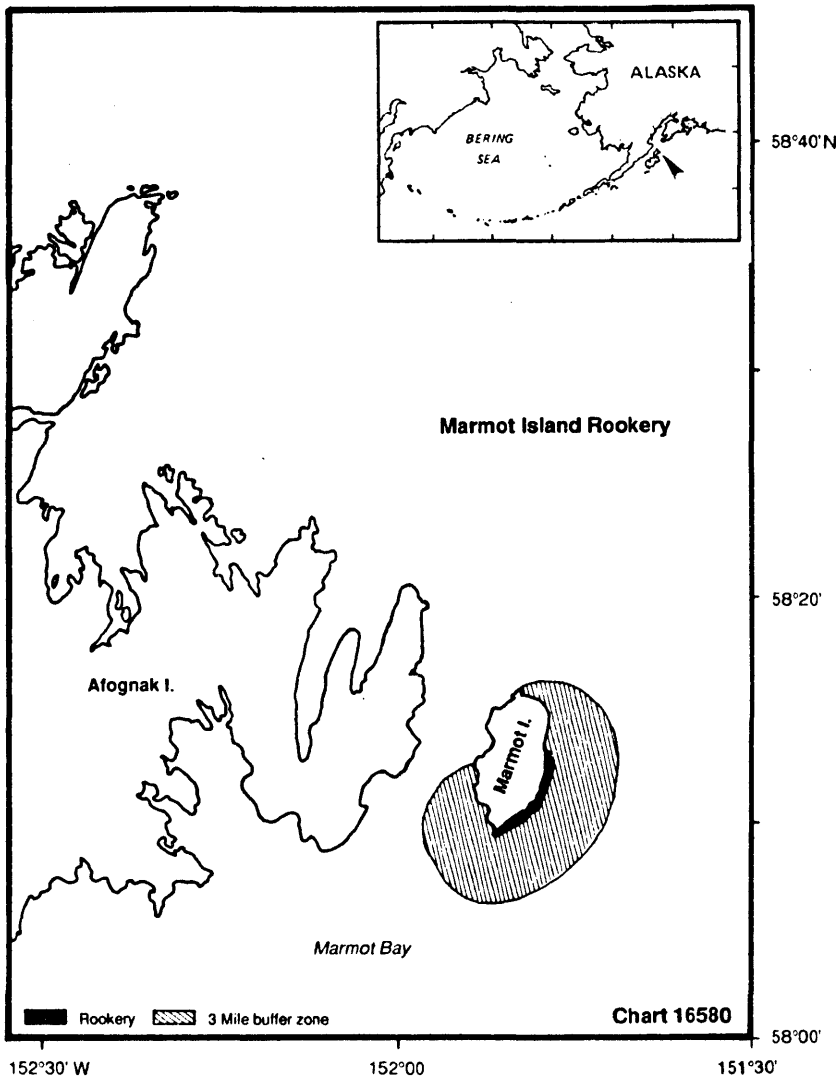
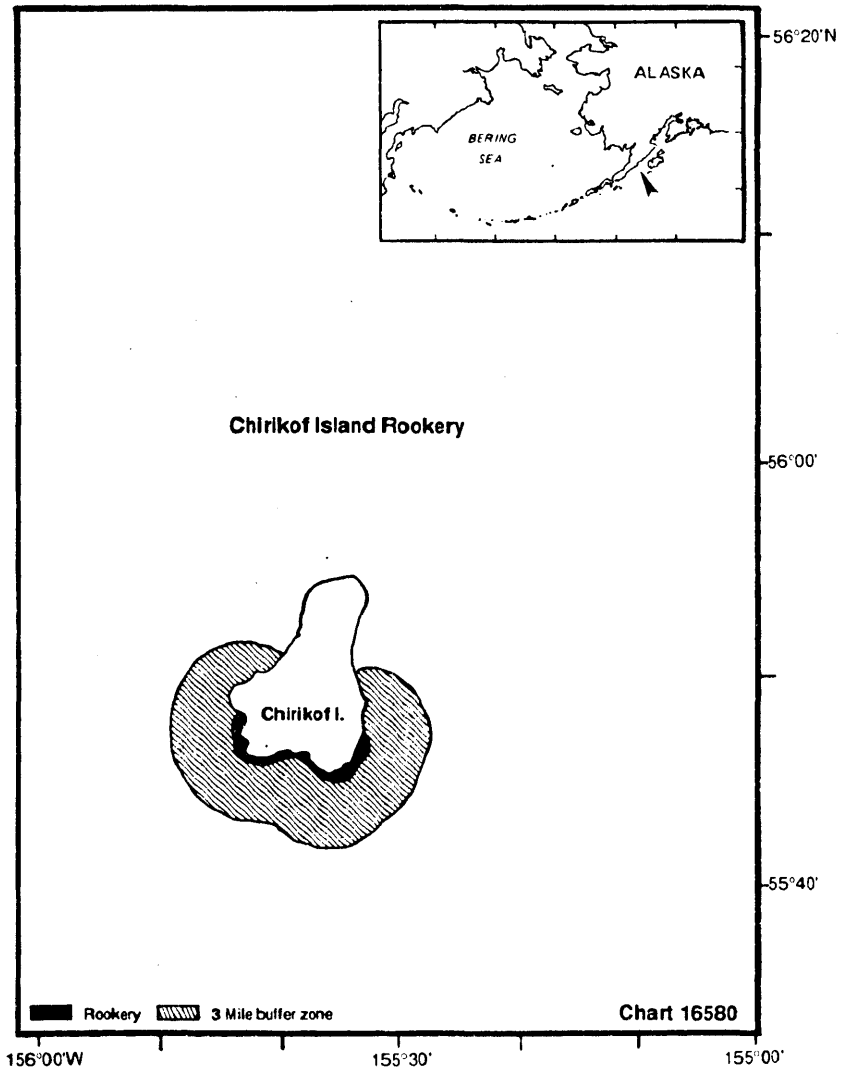
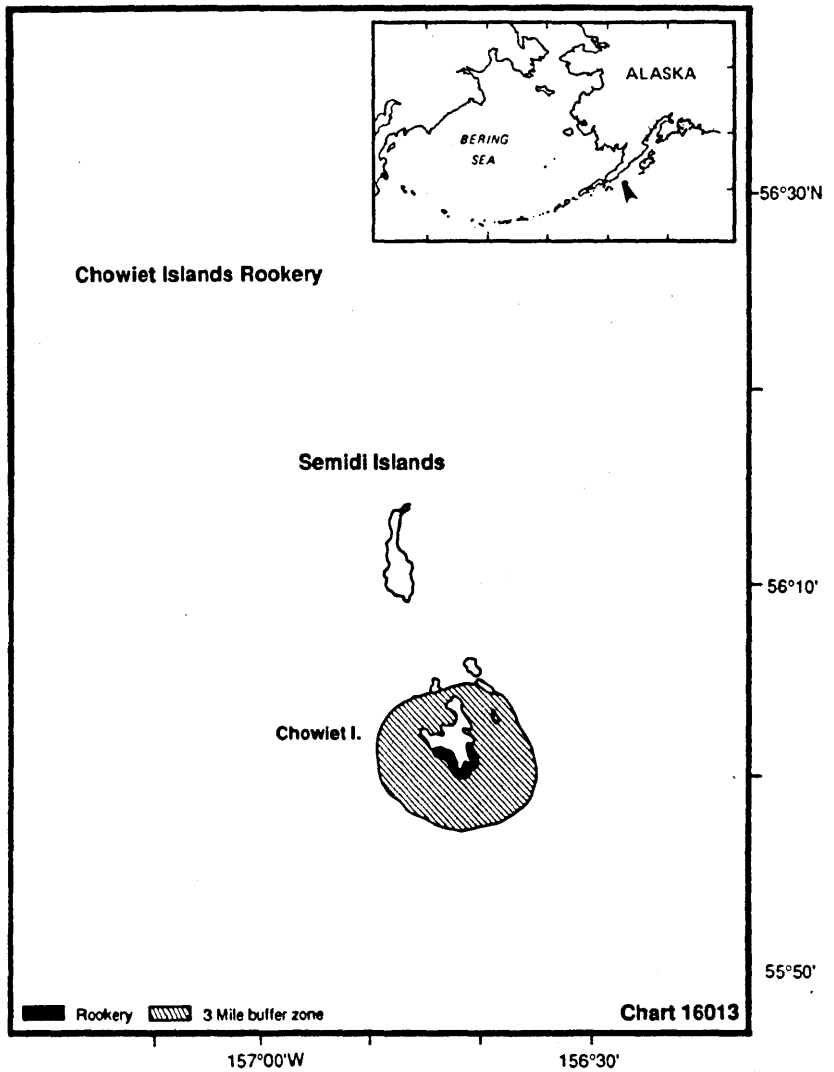
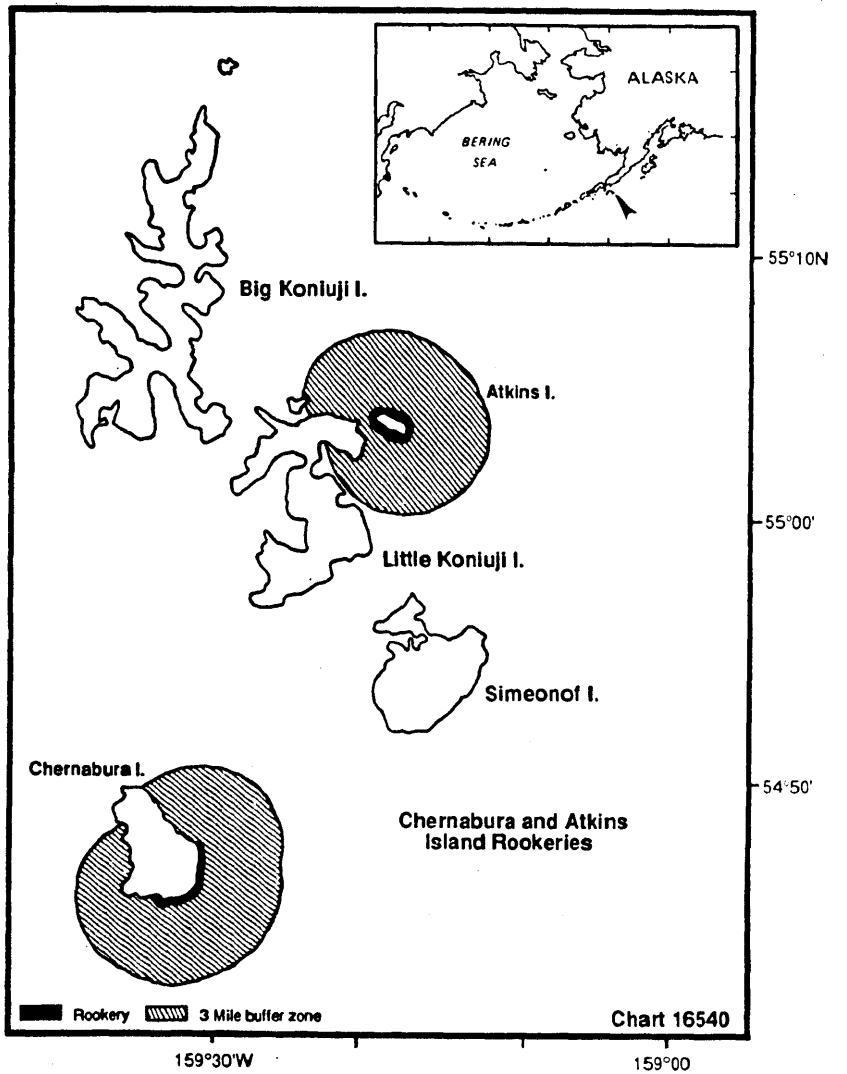

ALASKA
BERING SEA
Ragged I.
Outer Island Rookery
Rabbit I.
Outer I.
59°25'N
59°20'
Rookery
3 Mile buffer zone
Chart 16681
150°30'W
150°20'

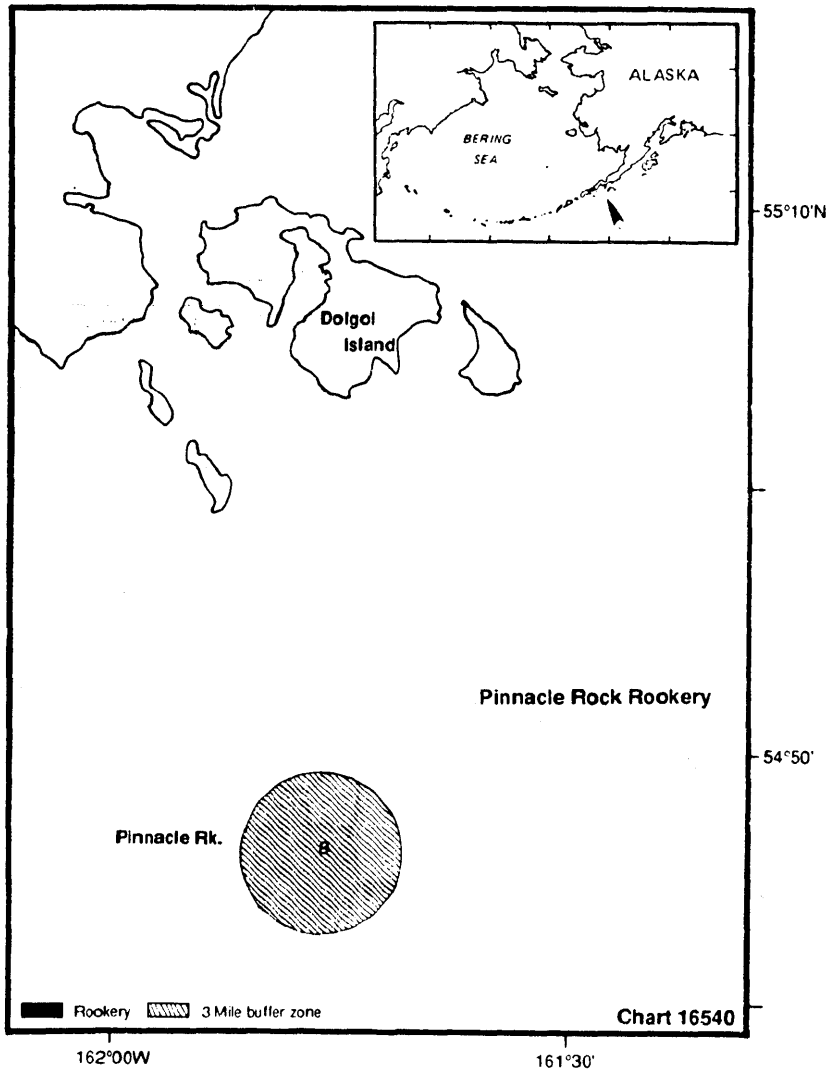

ALASKA
BERING SEA
59°10'N
Barren Islands
Sugarloaf I.
58°50'
Stevenson Entrance
Sugarloaf Island Rookery
58°30'
Rookery
3 Mile buffer zone
Chart 16580
152°30'W
152°00'

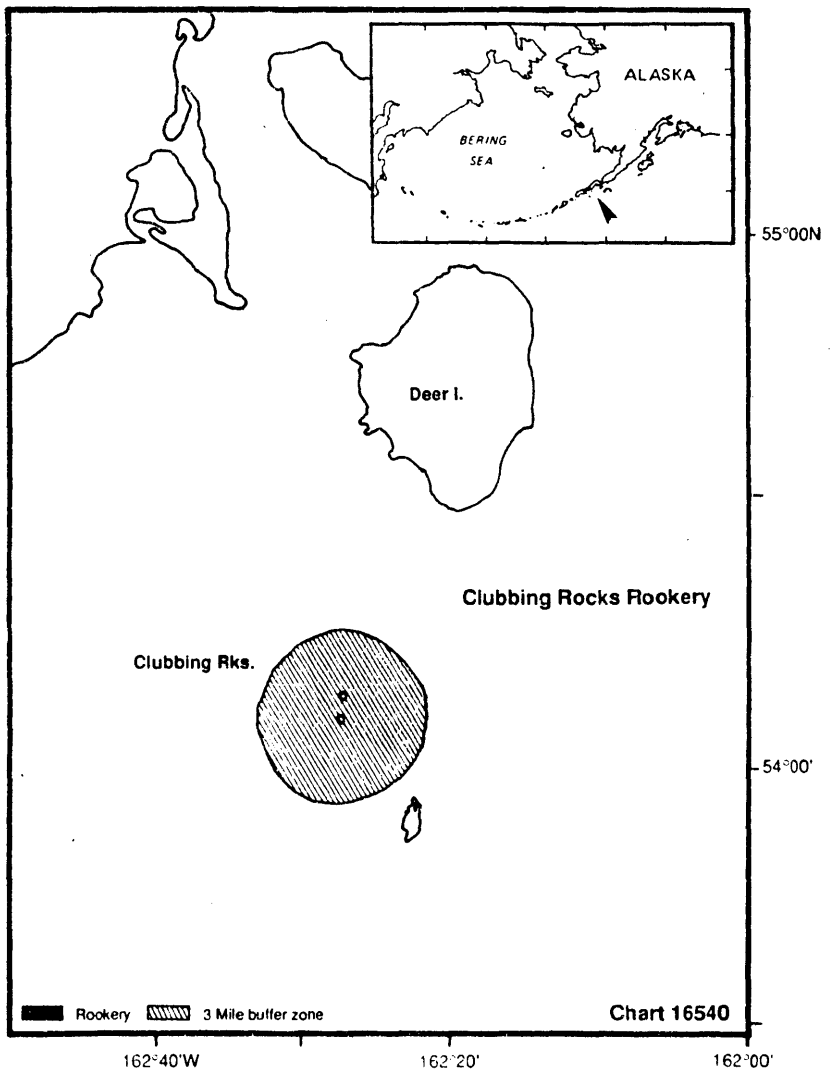

ALASKA
BERING SEA
Marmot Island Rookery
Afognak I.
Marmot I.
Marmot Bay
Rookery
3 Mile buffer zone
Chart 16580
58°40'N
58°20'
58°00'
152°30' W
152°00
151°30'

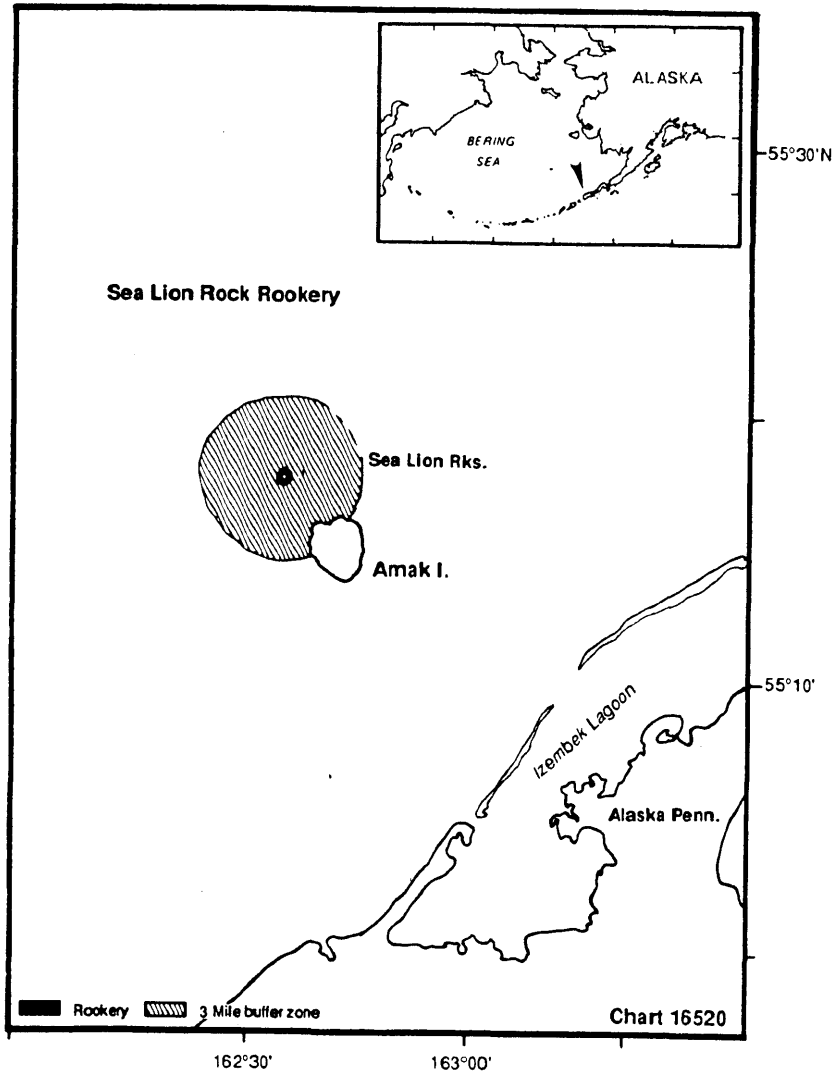

ALASKA
BERING SEA
Chirikof Island Rookery
Chirikof I.
Rookery
3 Mile buffer zone
Chart 16580
56°20'N
56°00'
55°40'
156°00'W
155°30'
155°00'

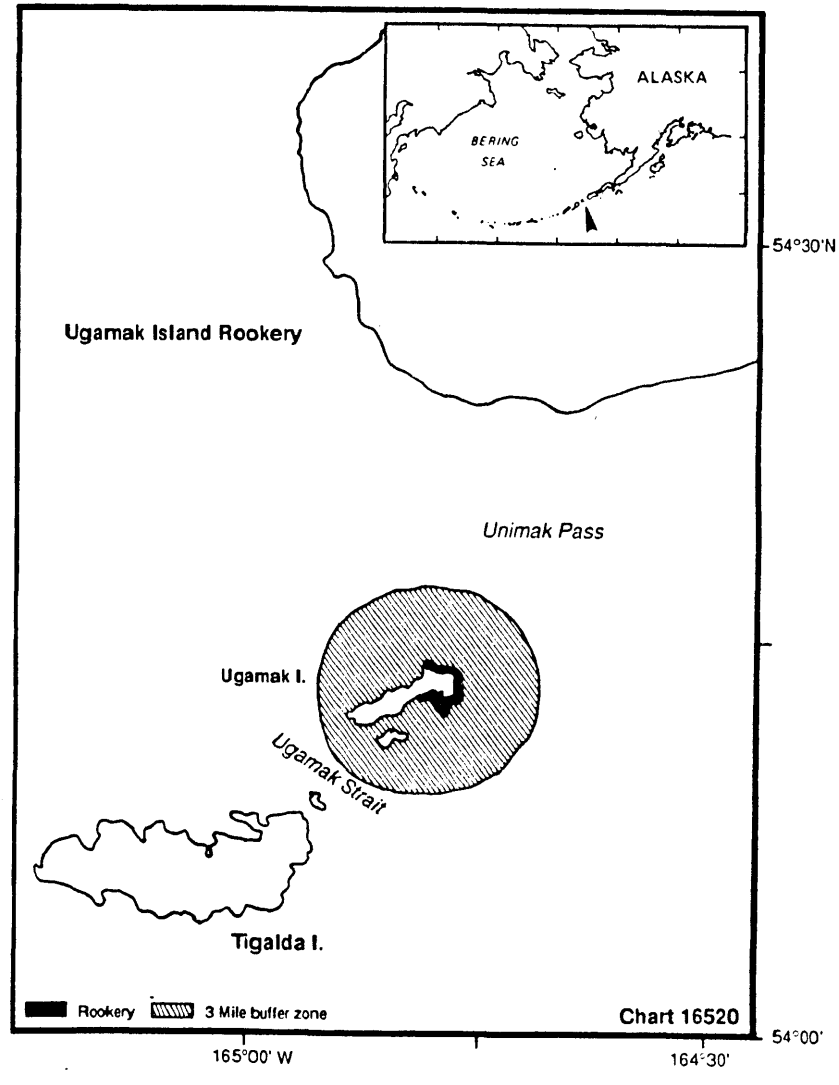

ALASKA
BERING SEA
Chowiet Islands Rookery
Semidi Islands
Chowiet I.
56°30'N
56°10'
55°50'
Rookery
3 Mile buffer zone
Chart 16013
157°00'W
156°30'

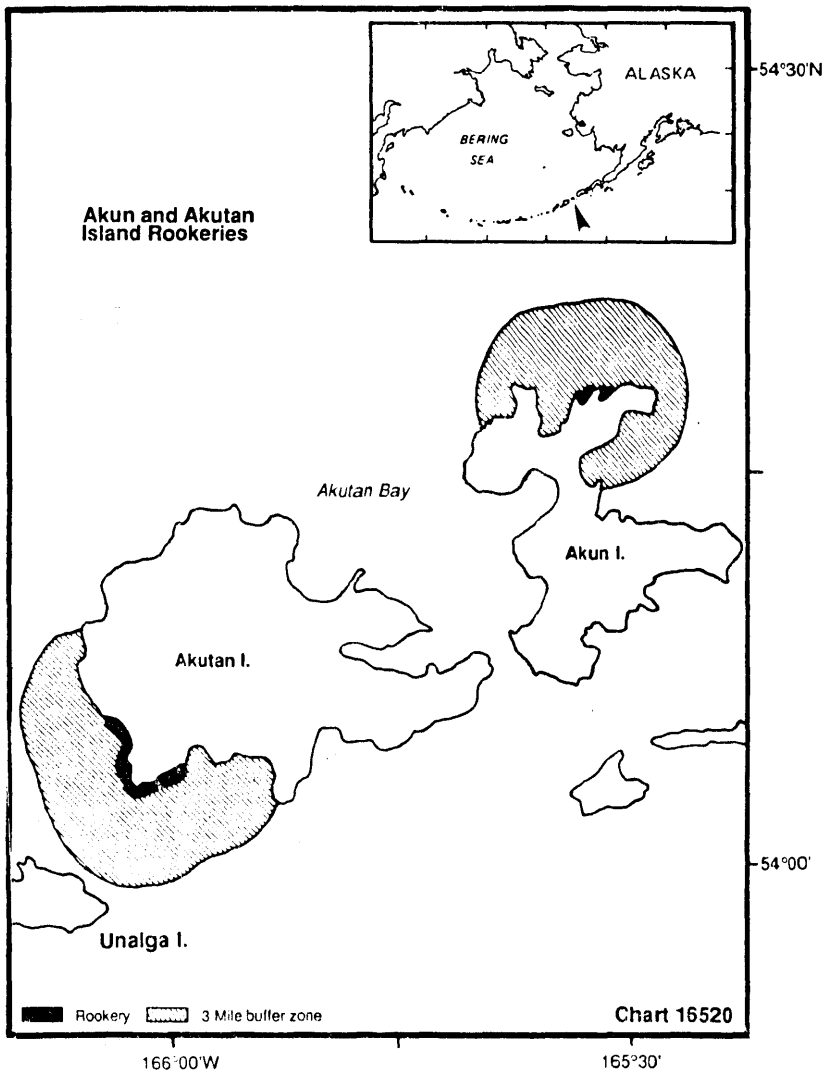

ALASKA
BERING SEA
Big Koniuji I.
Atkins I.
Little Koniuji I.
Simeonof I.
Chernabura I.
Chernabura and Atkins Island Rookeries
55°10N
55°00'
54°50'
Rookery
3 Mile buffer zone
Chart 16540
159°30'W
159°00

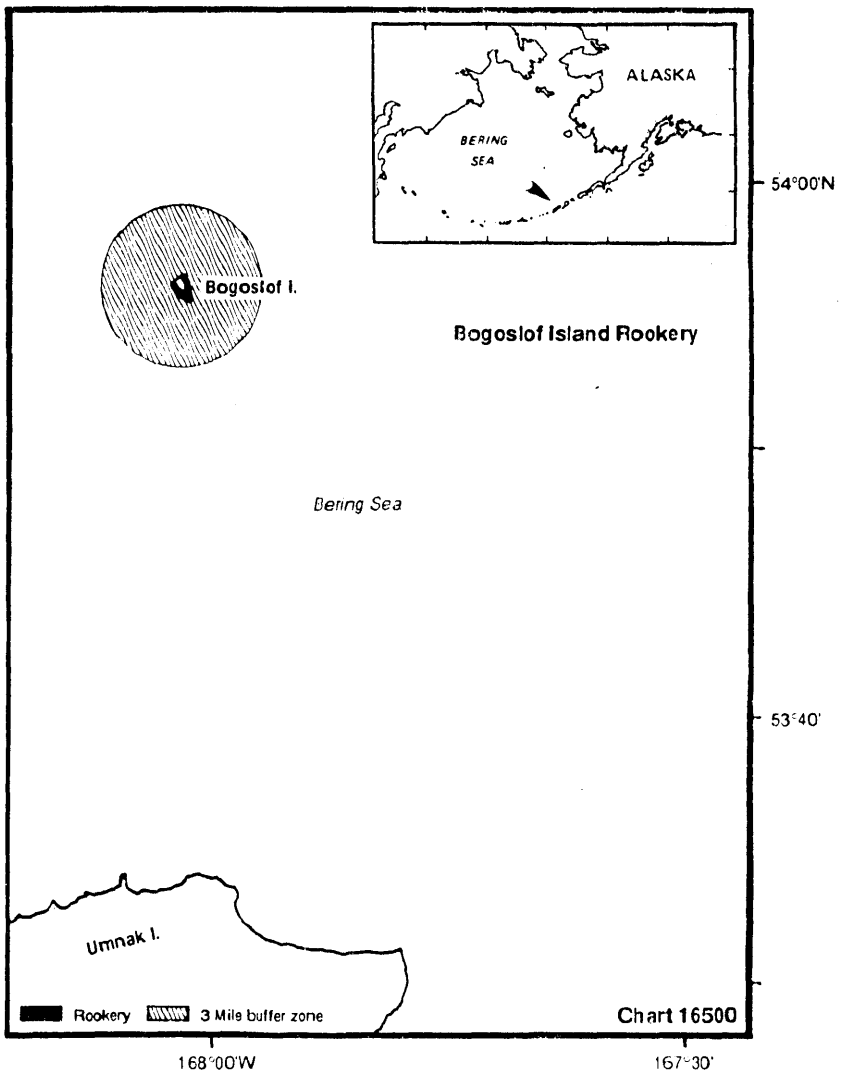

ALASKA
BERING SEA
Dolgoi Island
Pinnacle Rock Rookery
Pinnacle Rk.
55°10'N
54°50'
162°00W
161°30'
Rookery
3 Mile buffer zone
Chart 16540

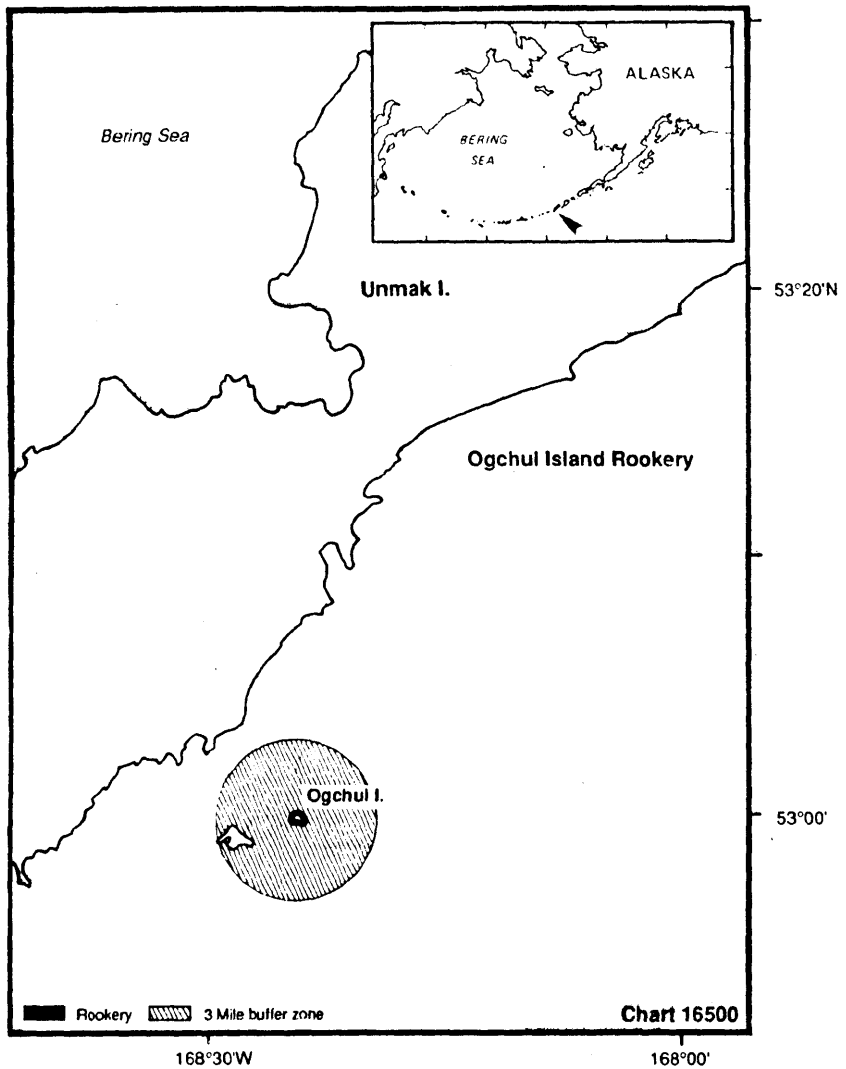

ALASKA
BERING SEA
Deer I.
Clubbing Rocks Rookery
Clubbing Rks.
55°00N
54°00'
162°40'W
162°20'
162°00'
Rookery
3 Mile buffer zone
Chart 16540

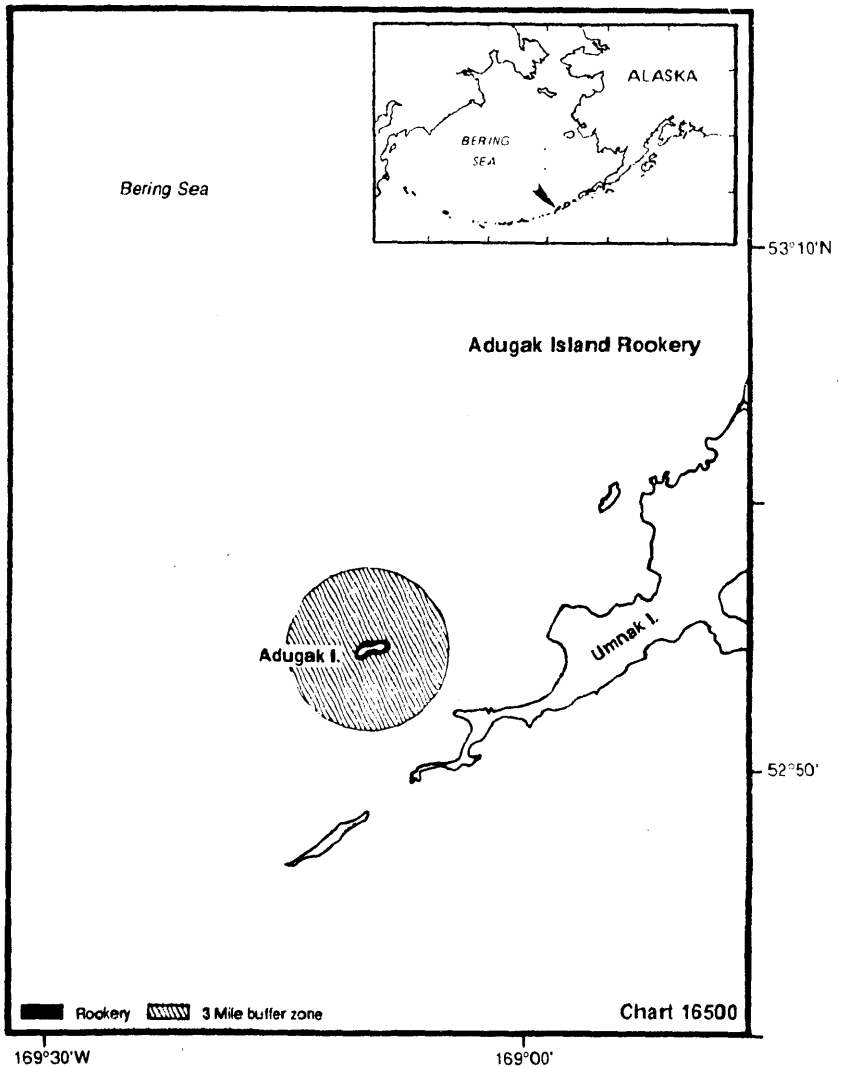

ALASKA
BERING SEA
55°30'N
Sea Lion Rock Rookery
Sea Lion Rks.
Amak I.
55°10'
Izembek Lagoon
Alaska Penn.
Rookery
3 Mile buffer zone
Chart 16520
162°30'
163°00'

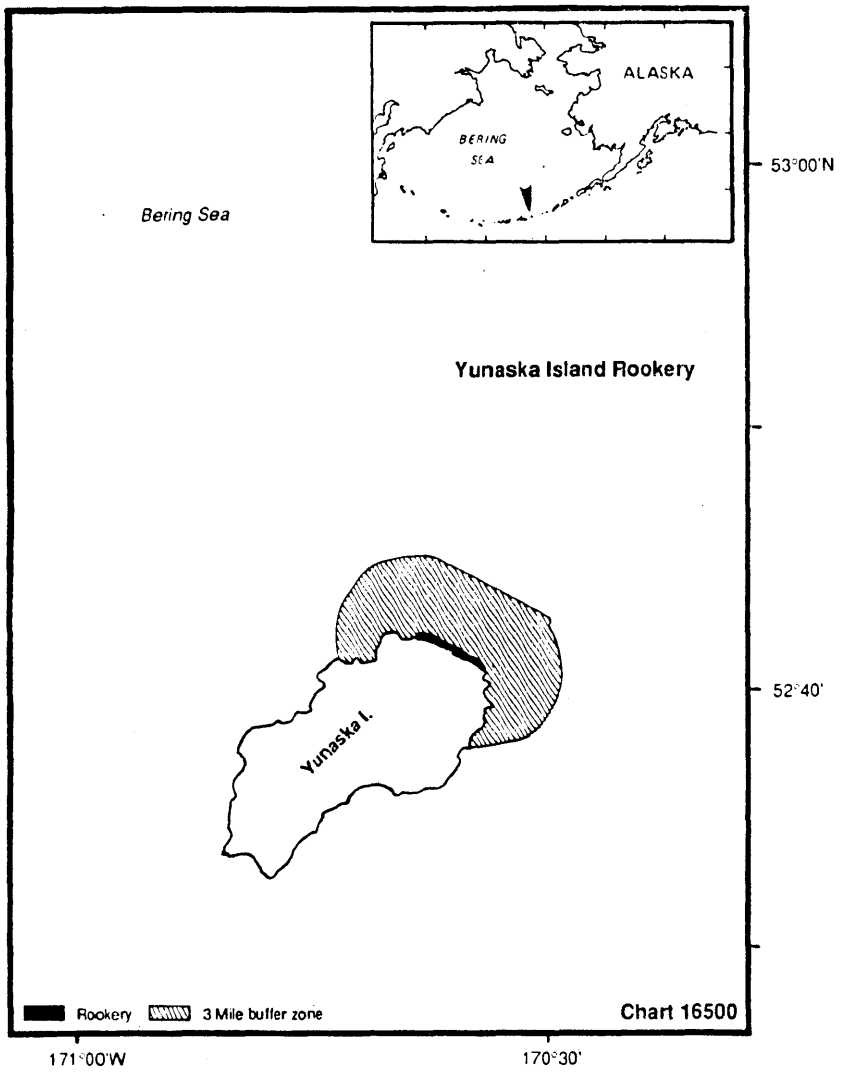

ALASKA
BERING SEA
54°30'N
Ugamak Island Rookery
Unimak Pass
Ugamak I.
Ugamak Strait
Tigalda I.
Rookery
3 Mile buffer zone
Chart 16520
54°00'
165°00' W
164°30'

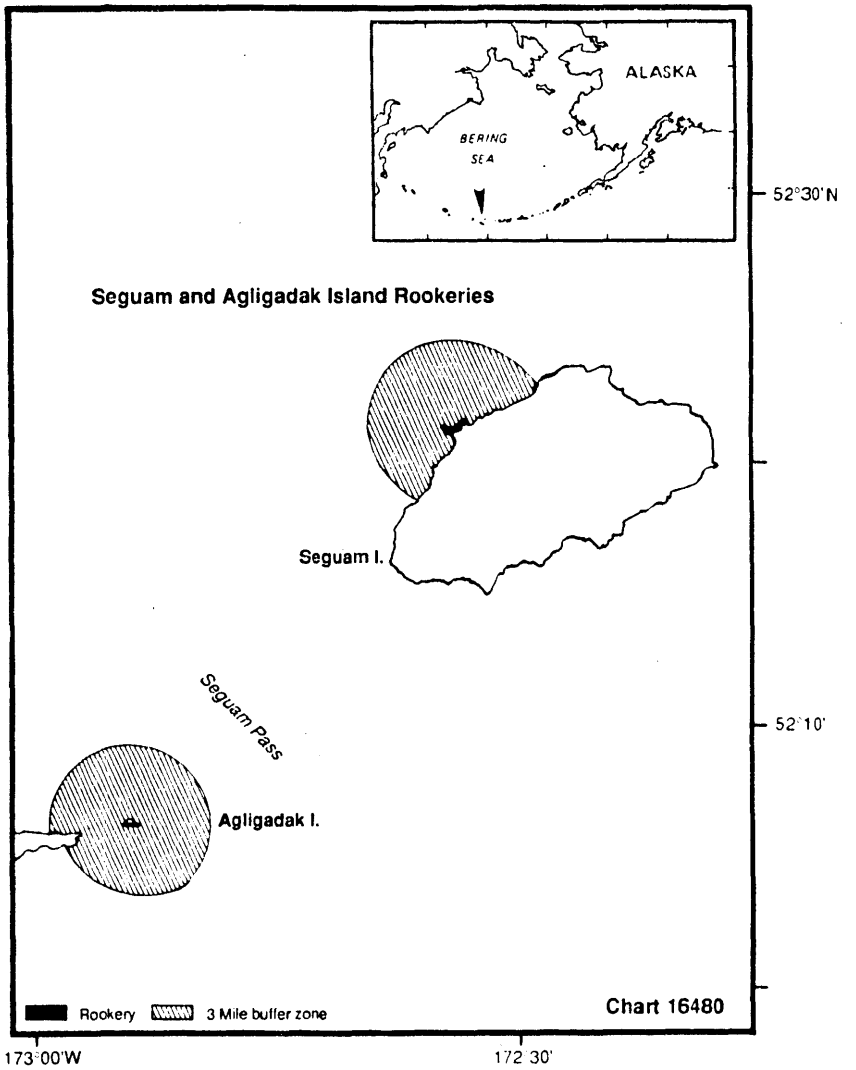

Akun and Akutan Island Rookeries
ALASKA
BERING SEA
54°30'N
Akutan Bay
Akun I.
Akutan I.
54°00'
Unalga I.
Rookery
3 Mile buffer zone
Chart 16520
166°00'W
165°30'

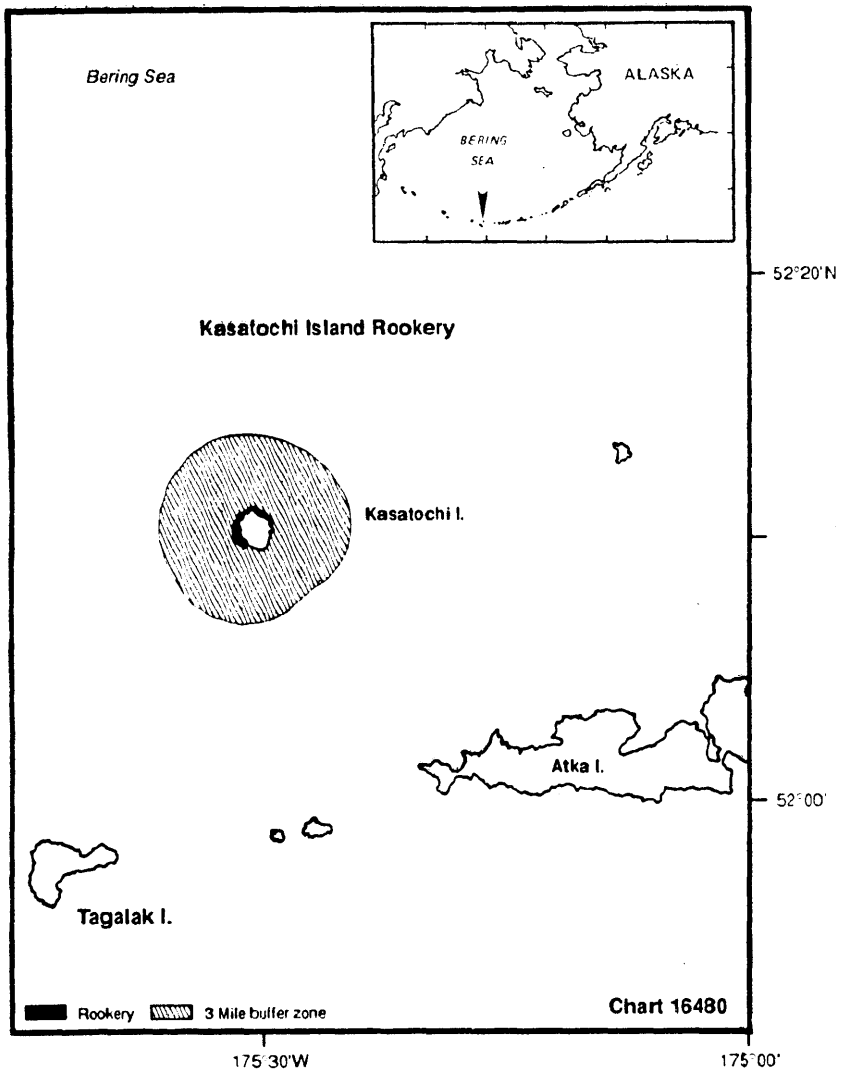

ALASKA
BERING SEA
54°00'N
Bogoslof I.
Bogoslof Island Rookery
Bering Sea
53°40'
Umnak I.
Rookery
3 Mile buffer zone
Chart 16500
168°00'W
167°30'

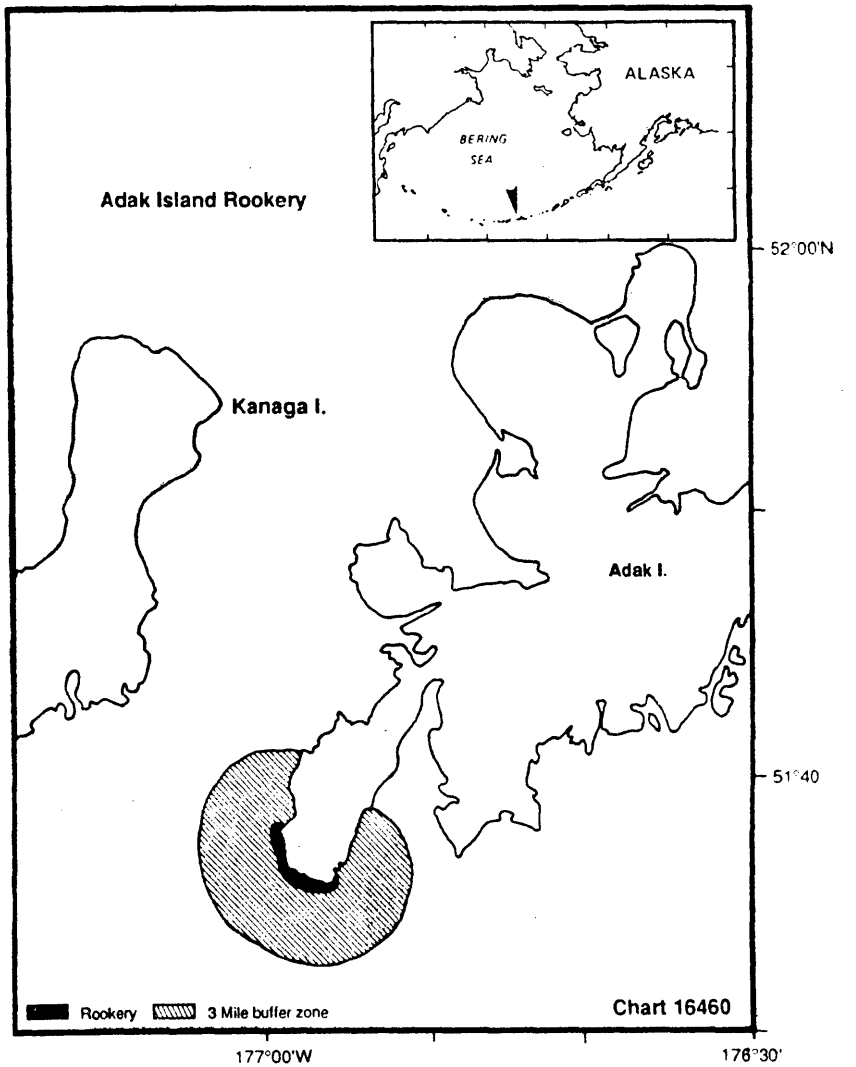

Bering Sea
ALASKA
BERING SEA
Unmak I.
Ogchul Island Rookery
Ogchul I.
53°20'N
53°00'
Rookery
3 Mile buffer zone
Chart 16500
168°30'W
168°00'

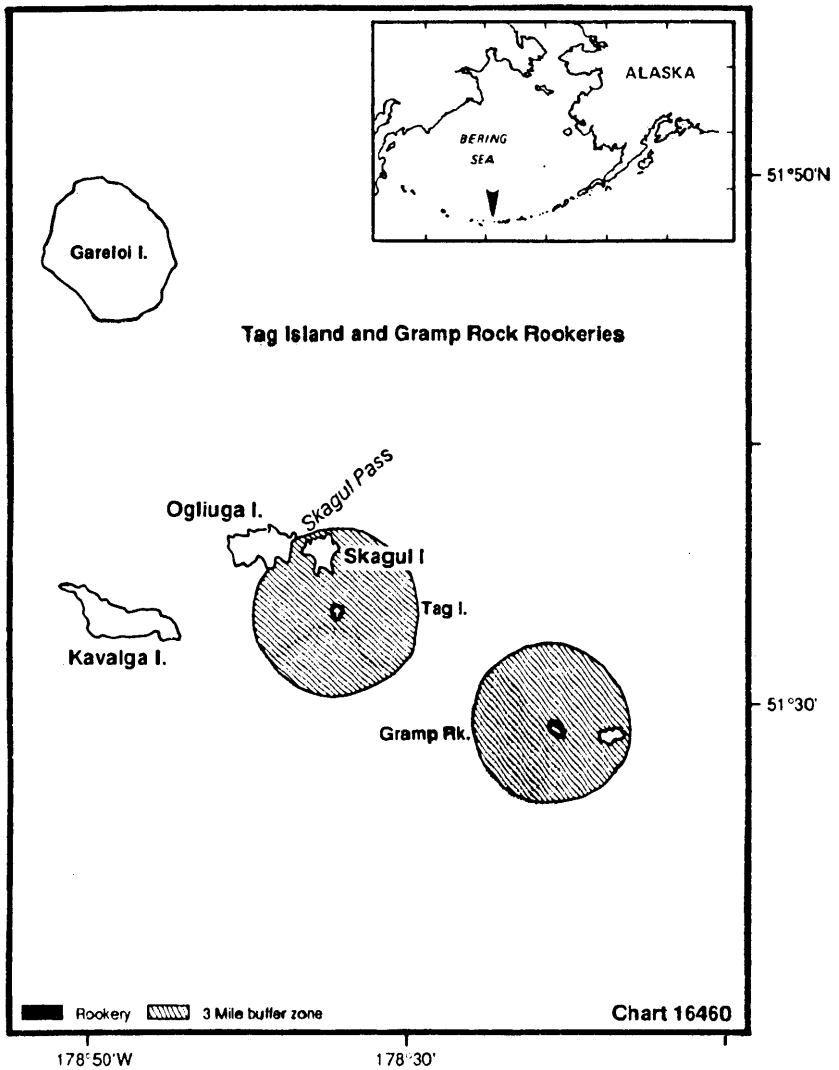

Bering Sea
ALASKA
BERING SEA
53°10'N
Adugak Island Rookery
Adugak I.
Umnak I.
52°50'
Rookery
3 Mile buffer zone
Chart 16500
169°30'W
169°00'

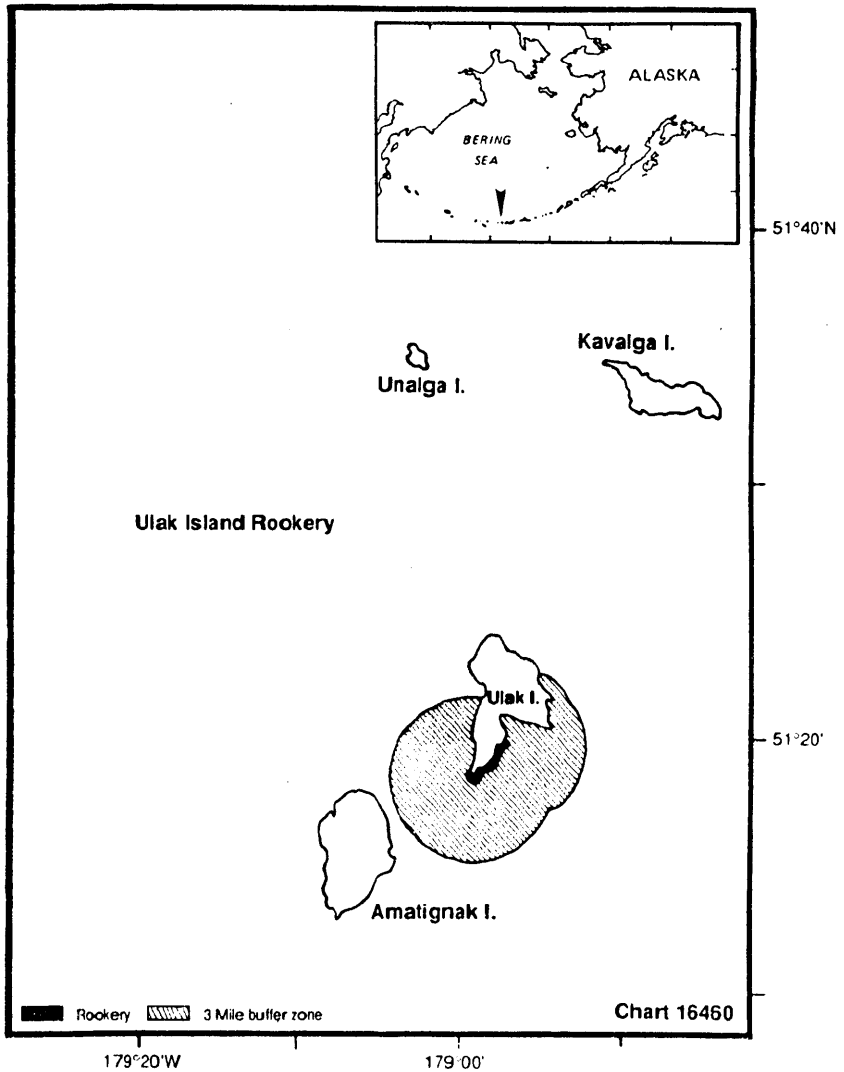

ALASKA
BERING SEA
Bering Sea
Yunaska Island Rookery
Yunaska I.
53°00'N
52°40'
Rookery
3 Mile buffer zone
Chart 16500
171°00'W
170°30'

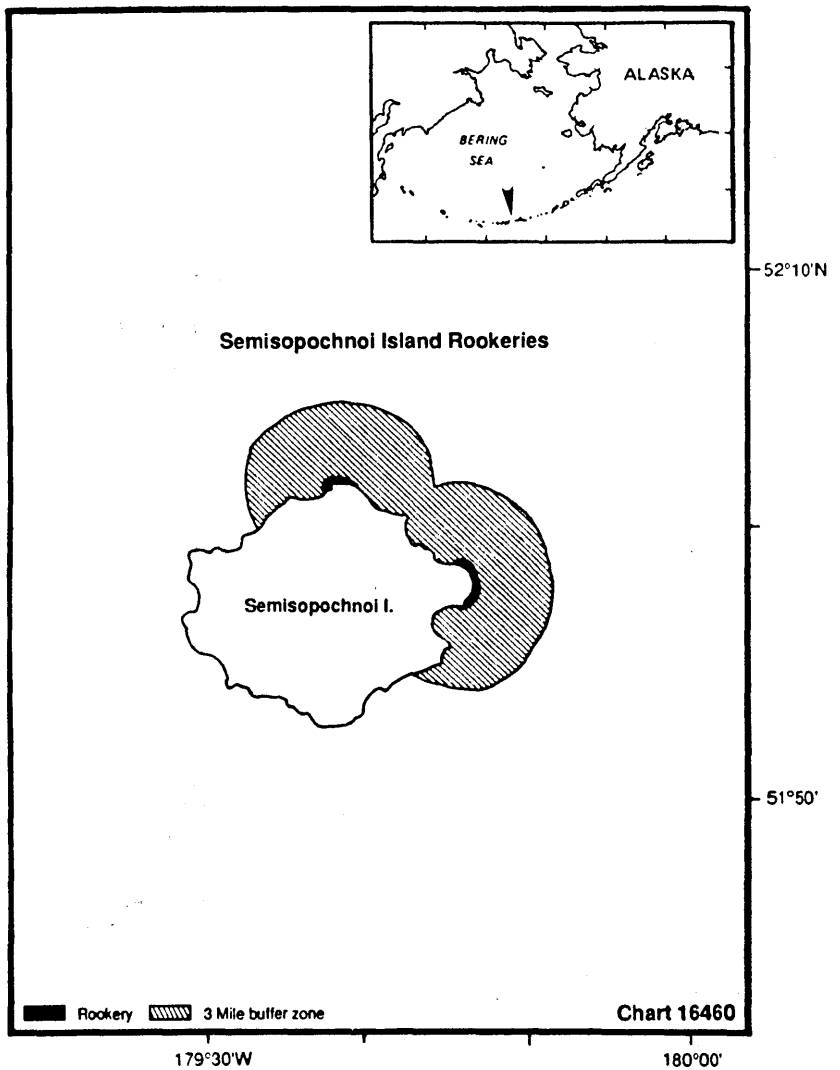

ALASKA
BERING SEA
Seguam and Agligadak Island Rookeries
Seguam I.
Seguam Pass
Agligadak I.
52°30'N
52°10'
Rookery
3 Mile buffer zone
Chart 16480
173°00'W
172°30'

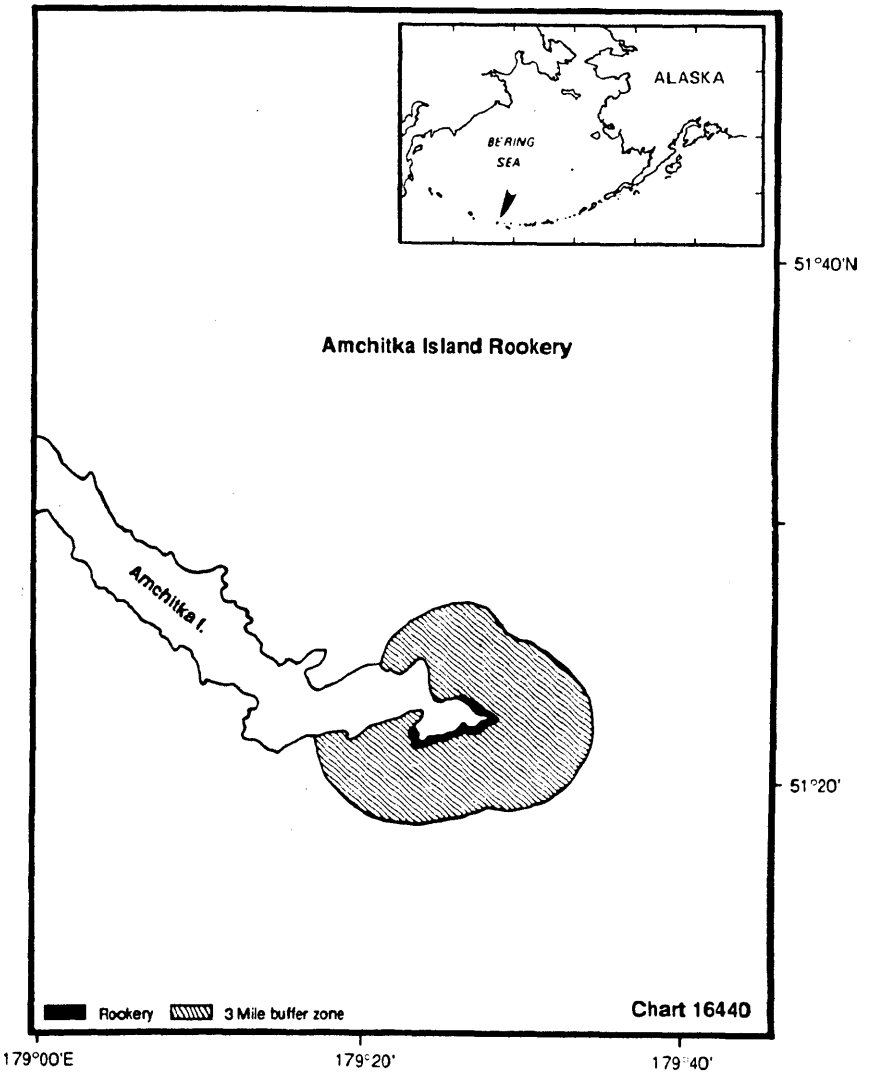

Bering Sea
ALASKA
BERING SEA
52°20'N
Kasatochi Island Rookery
Kasatochi I.
Atka I.
52°00'
Tagalak I.
Rookery
3 Mile buffer zone
Chart 16480
175°30'W
175°00'

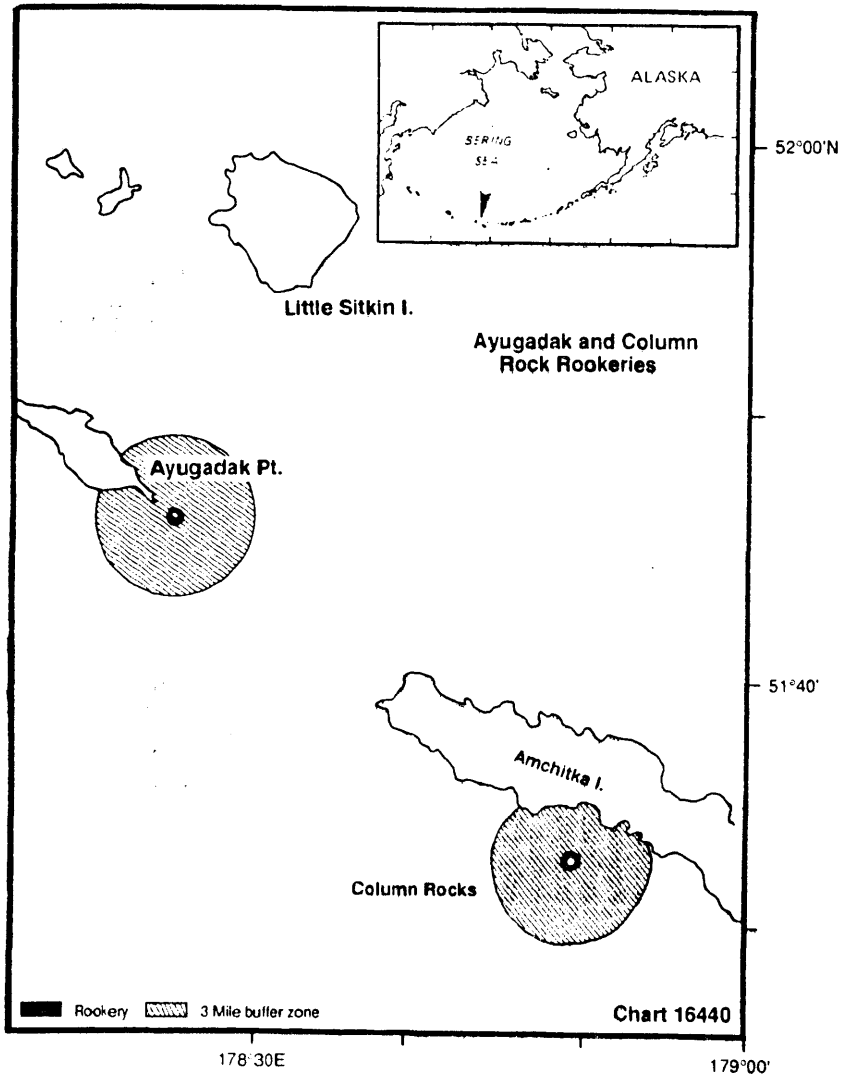

ALASKA
BERING SEA
Adak Island Rookery
52°00'N
Kanaga I.
Adak I.
51°40
Rookery
3 Mile buffer zone
Chart 16460
177°00'W
176°30'

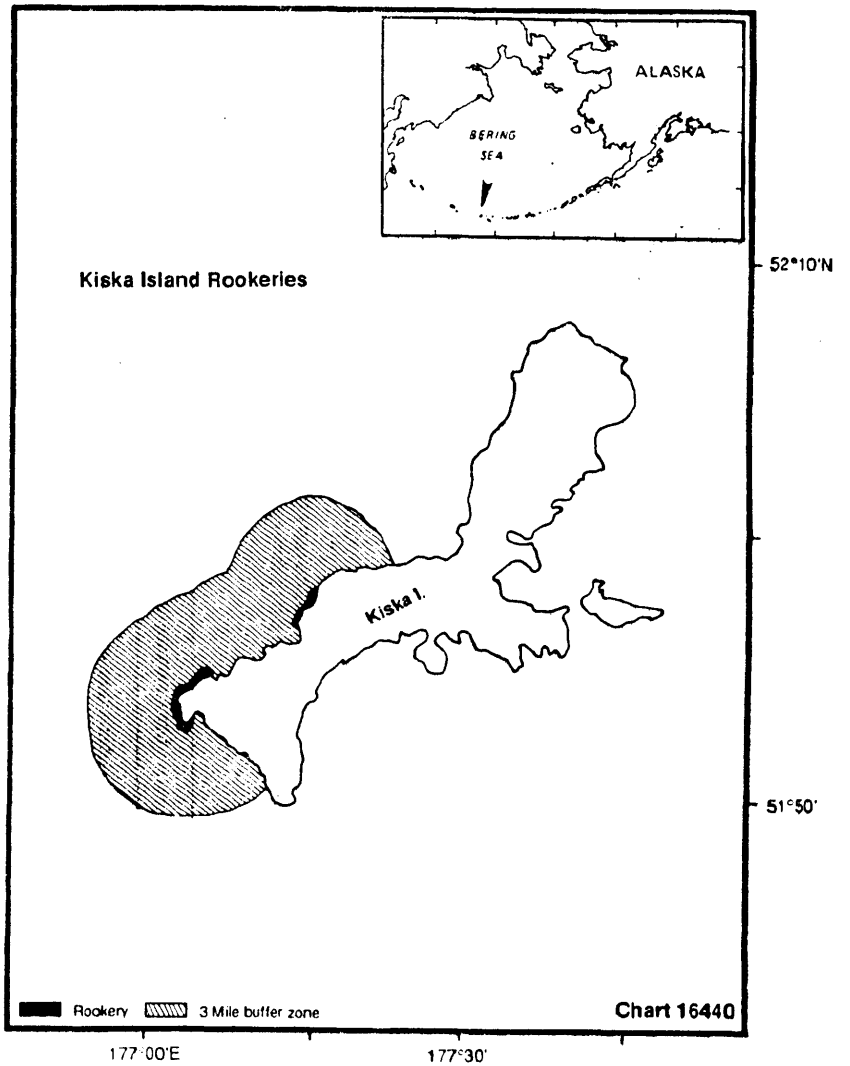

ALASKA
BERING SEA
Gareloi I.
Tag Island and Gramp Rock Rookeries
Ogliuga I.
Skagul Pass
Skagul I
Tag I.
Kavalga I.
Gramp Rk.
51°50'N
51°30'
Rookery
3 Mile buffer zone
Chart 16460
178°50'W
178°30'


ALASKA
BERING SEA
51°40'N
Kavalga I.
Unalga I.
Ulak Island Rookery
Ulak I.
51°20'
Amatignak I.
Rookery
3 Mile buffer zone
Chart 16460
179°20'W
179°00'


ALASKA
BERING SEA
Semisopochnoi Island Rookeries
Semisopochnoi I.
52°10'N
51°50'
Rookery
3 Mile buffer zone
Chart 16460
179°30'W
180°00'


ALASKA
BERING SEA
Amchitka Island Rookery
Amchitka I.
51°40'N
51°20'
Rookery
3 Mile buffer zone
Chart 16440
179°00'E
179°20'
179°40'





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(4) *Quota.*—If the Assistant Administrator determines and publishes notice that 675 Steller sea lions have been killed incidentally in the course of commercial fishing operations in Alaskan waters and adjacent areas of the U.S. Exclusive Economic Zone (EEZ) west of 141° W longitude during the 1990 calendar year, then it will be unlawful to kill any additional Steller Sea lion in this area. In order to monitor this quota, the NMFS Alaska Regional director may require the placement of an observer on any fishing vessel. The Assistant Administrator may issue emergency rules to allocate the quota among various fisheries, establish closed areas, or take other action to ensure that commercial fishing operations do not exceed this quota.

(b) *Exceptions.*—(1) *Permitted activities.*—Paragraph (a) of this section does not apply to any activity authorized by a scientific research permit issued under the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*) and implementing regulations (50 CFR § 216.31) that authorizes the taking of Steller sea lions.

(2) *Official activities.*—Paragraph (a) of this section does not prohibit or restrict a Federal, state or local government official, or his or her designee, who is acting in the course of official duties:

(i) From taking a Steller sea lion in a humane manner, if the taking is for:

(A) The protection or welfare of the animal;

(B) The protection of the public health and welfare; or

(C) The nonlethal removal of nuisance animals; or

(ii) From entering the buffer areas to perform activities that are necessary for national defense or the performance of other legitimate governmental responsibilities.

(3) *Subsistence takings by Alaska natives.*—Paragraph (a) of this section does not prohibit or restrict the taking of Steller sea lions permitted under section 10(e) of the Act.

(4) *Navigational transit.*—Paragraph (a)(2) of this section does not prohibit a vessel in transit from passing through a listed strait, narrows, or passageway if the vessel maintains the minimum specified distance from the rookery site. The listing of a strait, narrow or passageway does not indicate that the area is safe for navigation. The listed straits, narrows and passageways include the following and any other similar areas listed by the Regional Director:

Rookery	Strait, narrows, or pass	Minimum distance
Sugarloaf Island	Between Sugarloaf Island and East or West Amatuli Islands or between East and West Amatuli Islands	0.5 nautical miles (n.m.)
Chowiet Island	Between chowiet Island and Kateekuk, Anawik, Kiliktagik, or Suklif Islands	0.5 n.m.
Clubbing Rocks	Between Clubbing Rocks and Cherni Island	2.0 n.m.
Sea Lion Rock	Between Amak Island and Sea Lion Rock	1.0 n.m.
Ugamak Island	Ugamak Strait between Ugamak Island and Tigalda Island	1.0 n.m.
Akutan Island	Akutan Pass between cape Morgan and Unalga Island	1.0 n.m.
Ogchul Island	Between Ogchul Island and Vseridof Island	0.5 n.m.
Ogchul Island	Between Ogchul Island and Umnak Island	1.0 n.m.
Adugak Island	Between Adugak Island and Idaliuk Point	1.0 n.m.
Tag Island	Skagul Pass between Skagul Island and Ogliuga Island	2.0 n.m.
Ulak Island	Between Hasgox Point and Amatignak Island	1.0 n.m.
Amchitka Island	Between Column Rocks and Amchitka Island	5.0 n.m.

(5) *Emergency situations.*—Paragraph (a)(2) of this section does not apply to an emergency situation in which compliance with that provision presents a threat to the health, safety, or life of a person or presents a significant threat to the vessel or property.

(6) *Exemptions.*—Paragraph (a)(2) of this section does not apply to an activity authorized by a prior published or written exemption. With the concurrence of the Assistant Administrator, the Alaska Regional Director may publish in the **Federal Register** or issue a written exemption authorizing activities that otherwise are prohibited under paragraph (a)(2) of this section. An exemption may be granted only if the activity will not have a significant adverse impact on Steller sea lions, the activity has been conducted historically or traditionally in the buffer zones, and there is no feasibly available and acceptable alternative to or site for the activity.

(c) *Penalties.*—(1) Any person who violates this section or the Endangered Species Act is subject to the penalties specified in section 11 of the Act, and any other penalties provided by law.

(2) Any vessel used in violation of this section or the Endangered Species Act is subject to forfeiture under section 11(e)(4)(B) of the Act.

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