lions has continued throughout most of Alaska. Because of this continued decline, on November 1, 1993, NMFS initiated a formal population status review under the ESA to determine whether a change in its listing status as a threatened species is warranted (58 FR 58318, November 1, 1993).

II. Comments and Responses on Status Review Notice

NMFS received sixteen comments in response to the status review notice. Comments pertinent to the proposed listings and regulations are discussed below.

Separate Population Listings

Some comments noted that Steller sea lions have not declined in some portions of the species' geographic range, and suggested that NMFS consider treating the species as two separate populations for the purposes of listing under the ESA.

Under the ESA, only a "species" may be listed as threatened or endangered. The term "species" includes any subspecies of fish or wildlife and any distinct population segment of any species of fish or wildlife that interbreeds when mature. At the time Steller sea lions were listed as threatened, NMFS determined that there was insufficient information available to consider animals in different geographic regions as separate populations. However, additional data collected, particularly on population genetics, now indicate that Steller sea lions should be listed as two distinct population segments under the ESA. Supporting data and information for this proposed determination are detailed below.

Listing Classification

The majority of the comments did not express a preference for either a threatened or endangered listing status for Steller sea lions. Some comments indicated the belief that there is sufficient information to support a change in listing status to endangered. Other comments stated that the current listing of the species as threatened provides NMFS sufficient regulatory authority to protect Steller sea lions and, therefore, a change in listing status to endangered is not necessary. Some of these same commenters also suggested that an endangered listing should not be considered at this time, since it would result in greater economic effects to fishing communities and the fishing industry. Some commenters believe that no change in listing status should be considered while the reasons for the decline remain unclear.

The ESA is explicit that listing and reclassification decisions are to be made solely on the basis of the best scientific and commercial information available regarding the species' population status (section 4(b)(1)(A)). Economic effects are not to be considered in making a listing determination for a species under the ESA. Likewise, the lack of knowledge regarding causes of the Steller sea lion decline does not affect a species' status. Each of the five factors described in section 4(a)(1) of the ESA that must be considered in making a listing status determination are discussed below. The adequacy of existing regulatory mechanisms is one of these factors.

Population Viability Analysis

Some commenters expressed concern regarding the weight that would be given to the results of the Steller sea lion Population Viability Analysis (PVA) (PVA at Merrick and York, 1994). They noted the difficulties in predicting future population trends with confidence when causal relationships are not understood, and suggested that NMFS use the PVA results with caution in the listing status determination. One commenter indicated that the PVA should be peer reviewed by independent experts.

The PVA provides an estimate of extinction risk if current population trends continue. NMFS believes that the PVA provides the best estimate of extinction risk possible with existing data and scientific methods, and has submitted the PVA for review by outside, independent experts. However, NMFS recognizes the limitations of population modeling to accurately predict future trends for this population. Thus, although the PVA results have been considered in the status determination, these have not been given greater weight than objective population trend data and the scientific opinion of experts, both within and outside NMFS.

Protective Measures

Several commenters raised issues relative to the protective measures that have been implemented to aid recovery of Steller sea lions. Some commenters felt that additional regulations were needed to better protect Steller sea lions from the effects of commercial fisheries, and oil and gas exploration and development. Other commenters questioned the rationale for existing protections, particularly fishery closure areas.

NMFS has implemented various protective measures for Steller sea lions under the ESA and the Magnuson Fishery Conservation and Management Act (Magnuson Act). These measures are intended to reduce intentional and unintentional mortality and harassment, disturbance of breeding areas and reproduction, and the possible effects of commercial fishing on the availability of Steller sea lion prey.

NMFS is reevaluating existing management measures for Steller sea lions. NMFS expects to consider regulatory changes that may be needed to ensure that regulations provide the greatest potential to benefit Steller sea lions without unnecessarily restricting human activities. However, NMFS will involve state and Federal agencies, the North Pacific Fishery Management Council, Alaska Native organizations, fishing and environmental groups, and other affected members of the public in the early stages of the decision-making process for any changes in management regulations. NMFS is reinitiating consultation under section 7 of the ESA on Federally-managed groundfish fisheries off Alaska to consider new information and to evaluate whether existing protective regulations are adequate to ensure that agency actions are not likely to jeopardize the continued existence of the species. NMFS has not reached any definitive conclusions concerning the adequacy of existing regulatory mechanisms. This issue is discussed in more detail below.

Research Program

Several commenters recommended an expansion of existing research efforts, and offered specific recommendations for areas of research.

The Recovery Plan research program is a federally-funded effort, implemented jointly by NMFS and ADFG. Research priorities are defined in the Recovery Plan, and are limited by available funds. As described below, the Recovery Team has begun the process of synthesizing research program accomplishments with the intention of revising the Recovery Plan, as needed.

III. Recommendations of the Steller Sea Lion Recovery Team

The Recovery Team was appointed by NMFS in 1990 to draft a recovery plan for the species and to serve as an advisory body to NMFS on Steller sea lion research and management issues. On November 29–30, 1994, NMFS convened the Recovery Team specifically to consider the appropriate ESA listing status for the species and to evaluate the adequacy of ongoing research and management programs. In the course of that meeting, and in subsequent letters to the Assistant Administrator for Fisheries, NOAA