

Request for Proposals

Economic Analysis of Revising the Designation of Steller Sea Lion Critical Habitat



Actual issue date: 6/9/14
Schedule/Instruction/ Provision/Clauses
DEADLINE FOR PROPOSALS: 7/18/14

Section I. Proposed Schedule

6/9/14: Requests for Proposals (RFP) distributed

6/23/14: Deadline for written questions on RFP

- **All questions should be directed to Pacific States Marine Fisheries Commission (PSMFCZ) via the following e-mail address: RFP2014_StellerCriticalHabitat@psmfc.org.**

6/30/14: Answers to written questions posted on PSMFC website:

7/7/14: Intent to respond to RFP must be filed with PSMFC - 3:00 PM Pacific standard time

- **Submit statement of intent to respond to: RFP2014_StellerCriticalHabitat@psmfc.org.**

7/18/14: Deadline for proposals - 3:00 PM Pacific standard time

- **Only e-mailed proposals will be accepted.**
- **Submit proposals to: RFP2014_StellerCriticalHabitat@psmfc.org.**

7/18/14-8/4/14: Proposal Review

8/4/14: Finalists Selected

8/6/14: Award Made

8/28/14: Kickoff meeting (date tentative)

STATEMENT OF WORK FOR ECONOMIC ANALYSIS OF REVISING THE DESIGNATION OF STELLER SEA LION CRITICAL HABITAT

Section II. Introduction

The National Marine Fisheries Service (NMFS) is revising the designated critical habitat for Steller sea lions (at 50 CFR 226.202) to take into account any new and pertinent sources of information since the 1993 designation, including amending the critical habitat designation as appropriate to reflect the delisting of the eastern distinct population segment (EDPS) (78 FR 66140).

Section 3 of the Endangered Species Act (ESA) states that the term “critical habitat” for a threatened or endangered species means—

- (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and
- (ii) (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(a)(3) of the ESA requires the Secretary (through NMFS) to designate critical habitat for listed species, to the maximum extent prudent and determinable, concurrent with the listing of a species, and gives the Secretary discretion to revise a designation, as appropriate, from time to time. Designations and revisions of critical habitat must be based on the best scientific data available and after taking into account consideration of the economic impact, the impact on national security, and any other relevant impact of specifying any particular area as critical habitat.

The ESA states that “Except in those circumstances determined by the Secretary, critical habitat shall not include the entire geographical area which can be occupied by the threatened or endangered species.” It clarifies that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation. The Secretary may exclude any area from critical habitat if she determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

Once critical habitat is designated, section 7 of the ESA requires federal agencies to insure that any action authorized, funded, or carried out by such agency is not likely to result in the destruction or adverse modification of that critical habitat. This requirement is in addition to the

requirement that federal agencies ensure their actions do not jeopardize the continued existence of the species. These complementary requirements apply only to federal agency actions.

NMFS regulations prohibit designating critical habitat in areas outside U.S. jurisdiction.

At the time of listing of the Steller sea lion in 1990, NMFS reported (55 FR 49204) that the Steller sea lion 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. NMFS clarified that at that time there was not sufficient information to consider animals in different geographic regions as separate populations. In 1997 (62 FR 24345), NMFS recognized two DPSs of Steller sea lion: an eastern DPS which consists of Steller sea lions from breeding colonies located east of 144° W. longitude, and a western DPS, which consists of Steller sea lions from breeding colonies located west of 144° W. longitude. The range of the western DPS overlaps that of the eastern DPS and extends into Southeast Alaska, although photo-confirmed observations of branded western DPS animals are rare south of Sumner Strait.

Currently, designated critical habitat for Steller sea lions is described in 50 CFR 226.202 (see Appendix C). The economic analysis will require using two baselines: first, it must evaluate the consequences of designating the proposed critical habitat as if Steller sea lion critical habitat were not presently designated, and second, to the extent practicable it must evaluate the consequences of any net changes in the boundaries of critical habitat by examining all of NMFS's proposed additions to and subtractions from the currently designated area of Steller sea lion critical habitat. The reason for this dual approach to the analysis is that NMFS must analyze the effects of identifying critical habitat specifically for the western DPS, whereas the current critical habitat designation was developed for Steller sea lions generally (including the populations now identified as the western and eastern DPSs).

Section III. Objectives

In close coordination with PSMFC staff and NMFS's Alaska Regional Industry Economist, the Contractor shall perform four principal tasks, as described below:

First, the contractor shall identify, compile, characterize, and synthesize economic data, capital investment, regional impacts, and associated information related to economic use (both market and non-market), development, and commercial activities in and around the areas of proposed critical habitat that have or may reasonably be assumed to have a federal nexus (i.e., activities that may require some federal authorization, funding, or action that would trigger the ESA section 7 requirement for a federal agency to consult with NMFS regarding the effects of the action on critical habitat). The contractor shall obtain such information from publically available sources (e.g., Annual Reports, Development Prospectuses, Public Permitting Applications, Governmental and Quasi-governmental Development Authorities). The contractor will use the existing geographic limits of designated critical habitat within Alaska as the starting point to define the area for which data collection is relevant. NMFS will provide the contractor with a description of the area to be proposed as the revised geographic limits of critical habitat NLT by 2/24/15.

Second, the Contractor shall use this information to prepare an economic impact analysis of NMFS' proposal. Such an analysis will aid PSMFC and NMFS with understanding the

consequences of designating critical habitat as well as the consequences of any particular addition to or subtraction from currently designated critical habitat. Additionally, they will provide the basis for assessing the economic benefits and costs, distributional effects, and net National economic benefit, as well as significant adverse economic impacts uniquely accruing to small entities. This analysis must be sufficient for incorporation into NMFS' ESA section 4(b)(2) analysis, and satisfy requirements in Executive Order 12866, the Regulatory Flexibility Act, and adhere to the standard content and format prescribed by each.

NMFS will determine the specific boundaries of the proposed critical habitat, as well as those physical or biological features essential to the conservation of western DPS Steller sea lions, based on the best data available. NMFS will also provide information on any specific areas of CH that may be considered for potential exclusion from critical habitat under section 4(b)(2) of the ESA. Each of these will be provided to the contractor at the outset of the contract or as soon thereafter as practicable.

Third, the Contractor shall compile, review, code, and summarize all public comments received on the proposed rule. This shall consist of a Comment Analysis Report (CAR), as described in more detail below.

Fourth, the Contractor shall provide support services for one public hearing to be held in Anchorage on the proposed revision to the currently designated critical habitat. These services will include: a recorder to be present at and transcribe the public hearing; a staff member to be present at the hearing; a meeting room equipped with a public address system, including microphones, a Powerpoint/computer content capable projector and screen, and a speakerphone; and photocopies and DVDs of any informational handouts prepared by NMFS and provided to the Contractor in advance of the hearing.

Section IV. Scope of Work

Under E.O.12866 and the Regulatory Flexibility Act (RFA), NMFS must consider all attributable economic benefits, costs, and distributional impacts of designating or revising currently designated critical habitat. These include incremental economic effects uniquely associated with critical habitat designation, co-extensive impacts when the effects of listing the species cannot be satisfactorily differentiated and isolated from critical habitat designation effects, indirect effects (to the extent that they may be identified and meaningfully measured), and economic effects of ecosystem services provided by critical habitat. The Contractor shall, under the guidance of the PSMFC Program Manager and NMFS Project Manager/Regional Industry Economist, identify all relevant uses and users, including market, non-market, and non-consumptive use, of the terrestrial and marine areas proposed for designation as critical habitat that may reasonably be expected to be impacted (i.e., positively or adversely), either directly or indirectly by the proposed designation. The Contractor shall analyze this information and characterize the expected nature, size, and duration of these impacts and will employ this information and analysis in the preparation of a fully compliant Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA).

Under section 4(b)(2) of the ESA, the Secretary of Commerce may, at his or her discretion, exclude any particular area from designation as critical habitat, if the benefits of exclusion outweigh the benefits of inclusion, provided that exclusion of that particular area will not result

in the extinction of the species. In the course of acquiring data and preparing analyses for the RIR and IRFA, the Contractor shall specifically identify development/use activities that have or reasonably may have a federal nexus, for subsequent use by NMFS in preparing its 4(b)(2) analyses of the economic effects of designating critical habitat. The Contractor shall compile, condense, and summarize available information on these uses, users, and future development plans. The Contractor shall incorporate this information into a document that provides PSMFC, the Secretary and NMFS the salient conclusions on foreseeable economic activity from secondary economic and socioeconomic data sources, such as existing Environmental Impact Statements, business plans, industry association publications, Chamber of Commerce data syntheses, and other local, regional, state, federal government planning and permitting sources.

Section V. Government Furnished Data

NMFS will provide the Contractor with maps and other descriptive and biological information on the currently designated Steller sea lion critical habitat and the proposed critical habitat for purposes of preparing the appropriate analyses for use by NMFS in conducting the 4(b)(2) assessments.

The draft and final economic analysis for economic effects of designating Steller sea lion critical habitat will be prepared by the Contractor to help NMFS meet the requirements of ESA section 4(b)(2), Executive Order 12866, and the RFA, strictly adhering to content and format specified under each. The NMFS Economics Project Manager will provide detailed guidelines, oversight, and technical assistance in identifying these document requirements.

Determinations as to the exclusion of any area from critical habitat will be made by NMFS, not the Contractor.

Section VI. Period of Performance

The start date for this task is driven by the finalist selection date and whatever time is needed to complete the sub-contracting process between PSMFC and the winning bidder. The end date for this work is dependent on publication of the proposed rule.

Section VII. Contractor Performance Requirements

The Contractor shall undertake comprehensive research into the economic, socioeconomic (including, subsistence and cultural use), and capital investment aspects of planned or ongoing development and commercial activities in the vicinity of those areas proposed to be added to or removed from currently designated critical habitat for Steller sea lions, that have or reasonably may be expected to have a federal nexus; synthesize the available information; and deliver a separate, concise summary of all substantive comments received on the proposed rule to revise Steller sea lion critical habitat, in a written format that is acceptable to NMFS for use in meeting the relevant requirements (i.e., ESA 4(b)(2), EO12866, RFA) for an economic analysis of the consequences of designating critical habitat.

The Contractor's project manager and/or lead analyst (two staff maximum) shall attend a kickoff meeting following contract award. The NMFS Alaska Region Industry Economist will confer

with the contractor to schedule the meeting at a mutually agreed time and date following contract award. All costs associated with the kickoff meeting are to be detailed under Task 1.

In addition, the Contractor 's project manager and/or lead analyst shall participate in biweekly progress conference calls with PSMFC staff and the NMFS Economics Project Manager from project kickoff through delivery of the Final Draft Economic Report. Dates and times for biweekly meetings, as well as the meeting agenda, will be determined by the NMFS Economics Project Manager in consultation with PSMFC staff and the Contractor. All costs associated with the progress meetings are to be detailed under the task during which the meetings will occur. Progress meetings will not occur during the period following completion of the Final Draft Economic Report though publication of the proposed rule. Progress meetings will resume with the start of Task 3.

Section VIII. Specific Objectives/Tasks

TASK 1: The Contractor shall collect and synthesize economic and socioeconomic information regarding significant activities within the areas proposed for designation as Steller sea lion critical habitat, and activities that may affect this critical habitat, including the following:

- A. Commercial fisheries
 - i. economic value of fisheries that occur or may reasonably be anticipated to occur within or immediately adjacent to the proposed Steller sea lion critical habitat, and those that may affect this CH
 - ii. fisheries infrastructure that could be affected by designating critical habitat
- B. Indigenous Peoples' use (economic, subsistence, cultural) that would reasonably be expected to be affected by designating Steller sea lion critical habitat
- C. Oil and gas exploration, development, and production
 - i. costs, anticipated benefits, and schedules
 - ii. drilling platforms, piers, causeways, transfer facilities
 - iii. effluent discharge before/during/post-development
 - iv. restoration/mitigation provisions
- D. Mining development plans
 - i. costs, anticipated benefits, and schedule
 - ii. dredging volumes, frequency, disposal, duration, and disposal site location
 - iii. tidelands filling volumes, duration, location
 - iv. tidelands alteration and piers, causeways, transfer facilities
 - v. effluent discharge before/during/post-development
 - vi. restoration/mitigation provisions
 - vii.
- E. Renewable Energy Development
- F. Other large-scale development adjacent to the specific areas proposed as Steller sea lion critical habitat
- G. Interactions between Steller sea lion habitats and other protected species and their habitats.
- H. Recreation and tourism economics and use of the specific areas proposed as Steller sea lion critical habitat

- I. Military activities in the specific areas proposed as Steller sea lion critical habitat
- J. Educational, scientific, non-consumptive use of WDPS Steller sea lions or their habitat that may be affected by designating critical habitat
- A. Expenditures by state/federal/private entities in support of specific areas proposed as Steller sea lion critical habitat
 - i. Protection, restoration, enhancement of specific areas proposed as critical habitat
 - ii. Expenditures to forestall protections, restoration or enhancement to areas proposed as critical habitat

TASK 2: Utilize the above types of information and conduct an economic impact analysis of the consequences of designating the proposed critical habitat as if Steller sea lion critical habitat were not presently designated, and second, to the extent practicable, evaluate the consequences of any net changes in the boundaries of critical habitat by examining all of NMFS's proposed additions to and subtractions from the currently designated area of Steller sea lion critical habitat. Documents will be prepared to meet the requirements of the economic portion of NMFS's 4(b)(2), E.O.12866, and the RFA analyses.

Recent agency-prepared economic analysis of critical habitat designations that can serve as examples of format and content can be found at:

- A. Final RIR/4(b)(2) Preparatory Assessment / FRFA for the Critical Habitat Designation of Cook Inlet Beluga Whale Critical Habitat
[<http://www.fakr.noaa.gov/protectedresources/whales/beluga/management.htm>]
- B. Regulatory Impact Review and Final Regulatory Flexibility Act Analysis For Final Endangered Species Act 4(d) Regulations for Elkhorn and Staghorn Corals and Final Economic Impacts Analysis (two separate documents)
[<http://sero.nmfs.noaa.gov/pr/esa/acropora.htm>]
- C. Impacts of Northern Right Whale Critical Habitat Designation in the North Pacific Ocean, October 27, 2005 (single document)
[<http://www.fakr.noaa.gov/index/analyses/analyses.asp>; see *North Pacific Right Whales* in the *Table of Contents*].

Final document format will be determined in consultation with the Project Manager/Regional Industry Economist.

TASK 3: One public hearings of approximately three (3) hours duration will be held in Anchorage on proposed revisions to currently designated Steller sea lion critical habitat. This hearing is estimated to be held in the autumn of 2015. At the hearing, comments will be accepted on the proposed revision to the critical habitat. The Contractor will record and prepare a transcript of the proceedings at the hearing. In addition, the Contractor will provide a staff member to attend the hearing, ensure that audiovisual and logistical arrangements are suitable, and assist NMFS staff as needed. The Contractor will provide a hard copy and an electronic copy of the hearing transcript will be provided by the Court Report for incorporation into NMFS's administrative record, and for incorporation into the public comments database and analyses (see TASK 4). The Contractor will provide a meeting room for the hearing, with seating for at least

100 people. The hearing room will be equipped with a public address system, including microphones, a PowerPoint/computer content capable projector and screen, and a speakerphone to accommodate telephone access to the hearing if needed. The Contractor will provide photocopies and DVDs of any informational handouts produced by NMFS and provided to the Contractor in advance of the hearings. For purposes of budget preparation, assume that this will be a total of 100 grayscale copies and 50 DVDs.

TASK4: The Contractor shall review all public comments on all topics received by NMFS on the proposed rule to revise currently designated Steller sea lion critical habitat and provide a Comment Analysis Report (CAR). Comments will be received directly from the regulations.gov website and mapped to a comment-tracking database. NMFS assumes no more than 150,000 comments will be received and that the majority (>90%) of those comments will be form letters. Comments will also be accepted during one public hearing in Anchorage, and the Contractor will summarize those comments and include them with the comments to be analyzed. The Contractor will review and code comments (i.e., assign individual comments to topical categories) for analysis. The CAR will summarize all comments on the proposed revision. The Contractor will not prepare responses to comments, but will be expected to provide clarifications to NMFS as needed regarding coding of comments or comment summaries when NMFS is preparing responses to comments. Recent examples of CARs can be found at:

- A. Public Comment Analysis Report for Proposed Endangered Species Act Listing of Bearded and Ringed Seals
[<http://alaskafisheries.noaa.gov/protectedresources/seals/ice.htm>]
- B. Comment Analysis Report for Cook Inlet Beluga Whale Proposed Rulemaking Critical Habitat Designation
[<http://alaskafisheries.noaa.gov/protectedresources/whales/beluga/management.htm>]

TASK 5: Revision and finalization of Economics Report following completion of CAR and following input from NMFS regarding needed changes.

Section IX. Analyzing the Impacts of Redesignating Critical Habitat

NMFS guidelines for preparation of economic analyses specify the theoretical frame of reference required in designing, carrying out, and reporting economic impacts of proposed actions. These guidelines reflect mandates contained in E.O.12866 as well as OMB directives as outlined in Circular A-4. That frame of reference, which shall be adopted by the contractor, specifies a full accounting of all benefits and all costs attributable to the proposed action. These shall include direct, indirect, and induced benefits and costs. All attributable benefits and all attributable costs will be monetized, to the extent that such estimates can be meaningfully provided. For benefits and costs not amenable to monetization, each will be quantified in physical units, to the extent practicable. When neither monetization nor quantification is practicable, attributable benefits and costs will be identified and interpreted qualitatively, consistent with accepted economic theory and practice. The Contractor shall prepare these analyses from a “National Accounting” perspective, including a summarization of the expected net benefit to the Nation, inclusive of the full suite of benefits and costs identified, no matter the mechanism of their assessment (i.e., monetized, quantified, qualitative).

Distributional impacts attributable to the revision to the currently designated Steller sea lion critical habitat are also relevant in evaluating the proposed actions. They shall be characterized and estimated, as described above (i.e., monetized, quantified, etc.), although they will be clearly distinguished from, and interpreted independently of, economic benefits and costs. Because these impacts are technically transfers rather than economic benefits or costs, they do not enter into the calculation of net benefit to the Nation.

The Contractor shall conduct an analysis of the economic and other impacts of designating Steller sea lion critical habitat. The primary objective will be to analyze the incremental impacts uniquely attributable to identifying critical habitat for the Western DPS (WDPS). Notwithstanding this emphasis, it is recognized that fully disentangling critical habitat designation impacts from the impacts of listing Steller sea lions under the ESA will not be possible in every instance. Therefore, when isolation of these two distinct sources of impact cannot be achieved, the analysis will identify and analyze these as co-extensive impacts. By including co-extensive impacts, any proposed action subject to ESA section 7 that may destroy or adversely modify critical habitat will be considered in the analysis, whether or not the proposed action would have been modified or prohibited by the requirement that federal actions not jeopardize the continued existence of listed species even in the absence of designated critical habitat. Because ESA section 7 applies only to actions for which a federal nexus exists, the majority of impacts will be borne by federal agencies, non-federal parties whose federally permitted or funded activities are altered to avoid destruction or adverse modification of critical habitat, and those parties who are otherwise affected by the alteration of these activities. The revision of currently designated critical habitat may also trigger other relevant impacts on non-federal activity. For example, state environmental laws may contain provisions that are triggered, if a state-regulated activity affects federally designated critical habitat. All such impacts will be considered in the analyses.

Drawing upon the broader RIR/RFA assessment, the economic component of an ESA 4(b)(2) analysis for the WDPS will examine whether the economic benefits of excluding any particular area from addition to the currently designated critical habitat exceed the economic benefits of its inclusion, subject to the provision that exclusion will not result in the extinction of the listed species. NMFS will specifically identify each area (if any) proposed for exclusion. NMFS will also provide the Contractor with a summary of any available information regarding the biological and ecological benefits and costs associated with each area (if any) proposed for exclusion. NMFS will then use the economic benefits and costs data along with the biological and ecosystem benefits and costs information to draw conclusions concerning whether to exclude any areas from critical habitat pursuant to section 4(b)(2). NMFS will then take these data and tentative results and, along with other relevant considerations, conduct the 4(b)(2) analyses of the effects of designating critical habitat for the WDPS of Steller sea lion.

The rest of this section presents the framework the Contractor shall use for analyzing the impacts of critical habitat designation. The analysis will use standard economic concepts and tools as presented in guidelines, such as those produced by the U.S. Office of Management and Budget, U.S. Environmental Protection Agency, U.S. Small Business Administration's Office of

Advocacy, and NMFS.¹ An outline of the framework is given below, after which we discuss the contents of the analysis in more detail.

Outline of Draft Economic Analysis of Designating Critical Habitat for the Endangered Western DPS of Steller Sea Lion

1. Contextual Information
 - a) Geographic scope and description
 - b) Current economic and social activity
 - c) Projected economic activity
 - d) Existing federal, state, and other statutes and regulations that constrain habitat-modifying activities or are related to critical habitat designation.
2. Impacts of Designating Critical Habitat
 - a) Direct impacts (incremental, as well as co-extensive)
 - b) Indirect or Other (e.g., non-market, cultural) impacts
 - c) The location and magnitude of impacts
3. Benefits and Costs of Designating Critical Habitat
 - a) Benefits
 - i. Biological benefits to the western DPS of Steller sea lion, other organisms, ecological services – [to be supplied by NMFS]
 - ii. Other benefits (e.g., non-market, scientific, cultural, passive-use)
 - iii. Economic value of benefits, This analysis should include, but not be limited to, any long-term benefits to the sustainability of fisheries
 - iv. Magnitude of benefits by area
 - v. Cumulative benefits
 - b) Costs
 - i. Economic costs of direct impacts
 - ii. Economic costs of indirect or other impacts (e.g., fishery development, shipping, domestic energy supply)
 - iii. Other non-economic costs – [to be supplied by NMFS]
 - iv. Magnitude of costs by area
 - v. Cumulative costs
 - c) Summary of the Expected Net Benefit to the Nation
4. Distributional Economic and Socioeconomic Impacts
5. Potential Adverse Economic Impacts on Directly Regulated Small Entities

1. Contextual Information

This section will describe baseline economic and other information on an area basis. The description will include:

- a) The geographic scope of the analysis, including maps of the distribution of the western DPS of Steller sea lions, which show the currently designated critical habitat, boroughs,

¹ Executive Order 12866 requires that social and economic analyses be conducted when federal agencies propose new regulations. The Regulatory Flexibility Act (RFA) requires agencies to consider the impact of their regulatory proposals on small entities, analyze effective alternatives that minimize small entity impacts, and make their analyses available for public comment.

metropolitan areas, conservation areas, and any specialized economic activities that are highly local.

- b) Current demographic, economic, and social characteristics (e.g., population/density, per-capita income, employment/density, job growth, key industrial/economic sectors).
- c) Projected economic activity.
- d) Existing federal, state, and other statutes and regulations that constrain habitat-modifying activities or are related to critical habitat designation.

2. Impacts of Designating Critical Habitat

This section will describe the impacts of critical habitat designation on various types of habitat-related activity. The emphasis will be on the physical nature of the impacts. The descriptions will form a common foundation for discussing the benefits and costs of the designations. They will include:

- a) Direct impacts (co-extensive and incremental) of critical habitat designation by action agency and type of activity.² A modification to a federal project (affecting habitat) that results from a section 7 consultation is an example of a direct impact. The description of the direct impacts will cover the types of activities affected and the probable modifications to activities stemming from the application of section 7 of the ESA relative to critical habitat (as distinct from the effects stemming from application of section 7 relative to listed species). The direct impacts of critical habitat designation will be apportioned, to the extent feasible, between co-extensive and incremental impacts.
- b) Indirect impacts (co-extensive and incremental) of the critical habitat designation by type of activity and action party. The indirect effects of critical habitat designation and co-extensive impacts will be apportioned, to the extent feasible. These impacts include:
 - i. “trigger” impacts: impacts on economic activity that flow through state or local laws and regulations triggered by federal critical habitat designation;
 - ii. non-economic impacts of critical habitat designation.
- c) The location and magnitude of direct and other impacts by action agency and type of activity.

3. Benefits and Costs of Critical Habitat Designation

This section will assess the benefits and costs of the critical habitat designation stemming from the impacts identified in the previous section (Impacts of the Critical Habitat Designation). The assessment will include:

- a) Benefits of the Critical Habitat Designation:

This subsection describes the benefits that arise from the designation and will apportion, to the extent feasible, the benefits between those stemming from co-extensive impacts and those stemming from incremental impacts. The description will include:

 - i. The biological benefits to listed species, by type of activity, including a description of the links between activity modifications and (beneficial) biological responses in the listed species, quantifying the response, to the extent feasible.
 - ii. Other benefits by type of activity, including a description of the links between activity modifications and (beneficial) biological or other effects not borne by the

² The action agency is the federal agency that consults with NMFS under the ESA concerning a project or other action that may affect a listed species or adversely modify its critical habitat.

listed species, quantifying the effect, to the extent feasible. These effects may include increases in ecosystem services (other than those directly supporting the listed species), benefits to fisheries, social and cultural impacts, educational and scientific contributions, and so forth.

- iii. The economic value of benefits of critical habitat designation.
 - iv. The magnitude of benefits (if any), as well as economic impacts, by particular area, using information on activities and impacts from sections 2a (Direct impacts), 2b (Indirect impacts), and 2c (Location and Volume), in combination with information on benefits from sections 3.a.i (Biological benefits), 3.a.ii (Other benefits), and 3.a.iii (Economic value), and other information provided by NMFS.
 - v. The cumulative benefits of the critical habitat designation.
- b) Costs:
- This subsection describes the costs that arise from the designation and will apportion, to the extent feasible, the costs between those stemming from co-extensive impacts and those stemming from incremental impacts. The description will include:
- i. The economic costs of the impacts of the critical habitat designation, including a description and, to the extent feasible, a quantification of these costs.
 - ii. Other non-economic costs of the critical habitat designation.
 - iii. The magnitude of costs (if any), as well as impacts, by area, using information on activities and impacts from sections 2.a (Direct impacts), 2.b (Indirect impacts), and 2.c (Location and volume), in combination with information on costs from sections 3.b.i (Economic costs), and 3.b.ii (Non-economic costs), and other information provided by NMFS.
 - iv. The cumulative costs of the critical habitat designation.
- c) Summary of the Expected Net Benefit to the Nation

- 4. Distributional Economic and Socioeconomic Impacts
- 5. Potential Adverse Economic Impacts on Small Entities

This section will describe and quantify, to the extent practicable, the adverse economic impacts of the critical habitat designation on directly regulated small entities (small businesses, small not-for-profit organizations, and small governmental jurisdictions). This information will be provided for the proposed critical habitat as a whole, not on an area-by-area basis.

Section IX. ROLES AND RESPONSIBILITIES

PSMFC will be the administrative entity for the resulting contract. PSMFC will issue the contract provide general administrative oversight and pay all invoices for work performed.

NMFS will be the agency responsible for technical oversight over the contract. NMFS shall provide data and work with the Contractor to achieve the project deliverables outlined in Section X below.

Section X. PROJECT DELIVERABLES and DEADLINE FOR EACH

- PSMFC and NMFS Staff will schedule a project “kick-off” meeting with the Contractor in Anchorage on August 28, 2014, (or at the earliest opportunity) to review the contract, scope of work, and project timeline. [Tasks 1 begins]
- The NMFS Economics Project Manager will provide the Contractor with maps depicting: the area(s) currently designated as Steller sea lion critical habitat; areas preliminarily identified in a revision to the currently designated Steller sea lion critical habitat; suggested focal areas relative to 4(b)(2) exclusion; and the essential features of critical habitat (to be developed by NMFS) for the western DPS of Steller sea lion by the date of the project “kick-off” meeting (or whenever practicable). The NMFS Economics Project Manager will also provide an outline of Tasks 1 and 2.
- The Contractor shall deliver to the NMFS Economics Project Manager a draft synthesis of economic data and information related to development activities within the proposed critical habitat by December 31, 2015.
- The NMFS Economics Project Manager will review and discuss the draft synthesis (TASK 1) for the proposed revision of Steller sea lion critical habitat with NMFS-Protected Resources and provide any comments to the contractor by January 30, 2015.
- The NMFS Economics Project Manager provides maps of any new areas qualifying as SSL CH to the economics consultant so that they can refine draft economic synthesis by February 24, 2015.
- If new areas are added, Contractor Revises Economics Synthesis, if necessary, and Returns Draft to NMFS for review, by March 14, 2015.
- The Contractor shall deliver to the Economics Project Manager a draft economic impact analysis (TASK 2) by April 24, 2015.
- The NMFS Economics Project Manager will review and discuss the draft economic impact analysis (TASK 2) for the proposed revision of Steller sea lion critical habitat with NMFS-Protected Resources and provide any comments to the contractor by May 22, 2015.
- The Contractor shall address NMFS comments and submit a final draft RIR/IRFA, and 4(b)(2) Preparatory assessment document for the proposed critical habitat by June 19, 2015.
- Task 3 begins, and public meeting is held within 45 days of publication of the proposed rule and during the 60 day public comment period.
- The Contractor shall provide the following for the public hearing to be held in Anchorage: a transcription of the public hearing; a staff member to be present the hearing to assist with logistical arrangements; a meeting room equipped with a public address system, including microphones, a Powerpoint/computer content capable projector and screen, and a speakerphone to support teleconferencing; and photocopies of any informational handouts prepared by NMFS and provided to the Contractor in advance of the hearing. The approximately 3-hour hearing is anticipated to be held as soon as possible following proposed rule publication. The Contractor will provide a hard copy and electronic copy of the hearing transcript for inclusion in the comment analysis (Task 3).
- Within 30 days following end of public comment period, contractor reviews all comments received by NMFS on the proposed rule, comments from public hearing, and provide a Draft Comment Analysis Report (CAR) to the NMFS Economics Project Manager (Task 4)
- Within 2 weeks of receipt of draft Comment Analysis Report, the NMFS Economics Project Manager and NMFS Protected Resources Division (NMFS PRD) meet to agree on any

changes needed to Comment Analysis Report, with comments to contractor provided by the Economics Project Manager.

- Within 3 weeks of receiving input on needed changes to Draft Comment Analysis Report, contractor provides revised Comment Report to the NMFS Economics Project Manager.
- Within 4 weeks of receipt of Final Comment Analysis Report, the NMFS Project Manager reviews the comments on Draft Economics Report and related sections in the proposed rule, prepares input for needed changes to contractor, and prepares responses to comments on economics sections. The NMFS Economics Project Manager submits the draft responses on economic sections for NMFS internal review.
- Concurrent with above, the NMFS Economics Project Manager will provide input to contractor regarding needed changes, including consideration on new boundaries (if any), to the Draft Economics Report
- 14-60 days (depending on whether and how much boundaries have changed) after receiving NMFS input on needed changes to Draft Economics Report, contractor provides revised draft to NMFS.
- 14 days after receiving revised Draft Final Economics Report, NMFS reviews and comments on preliminary final draft analysis
- Within 30 days of receiving NMFS input regarding needed changes to Draft Economics Report, and after receiving any changes to boundaries, Contractor delivers Final Draft Economics Report (Final RIR/ 4(b) (2) Preparatory assessment/IRFA) to NMFS (Task 5). This report will be released with the final rule.

Section XI. Travel

The Contractor should anticipate a need to travel to Anchorage or Seattle to meet with NMFS staff. The Contractor shall budget for three (3), 1-2 day meetings between the Contractor team and NMFS for purposes of preparing a proposed budget. The contractor shall also anticipate travel for the Anchorage public hearing.

Section XII. Project Manager and Point of Contact for Technical Information

PSMFC shall notify the Contractor of the point of contact for the technical information that will be provided by NMFS (the NMFS Project Manager). The NMFS Project Manager will meet and/or communicate with the Contractor to review and approve the document outline, provide direction on analytical methods to be used, and provide direction on all matters ranging from data collection and synthesis to providing technical review of all working drafts and final economic impacts analyses. The NMFS Project Manager will inspect services rendered in this contract and review all invoices and work products prior to approval by the contracting officer at Pacific States Marine Fisheries Commission. Contact information for the NMFS Project Manager will be provided during the contract kickoff meeting.

Section XIII. Contractor Responsibilities for Property and Documents

The contractor shall protect from unauthorized disclosure or use of any equipment, materials, or information made available by the NMFS, or that the contractor may have access to by virtue of the provisions of this contract, that are not intended for public disclosure.

All data and information provided by NMFS, or developed by the contractor, in performing this contract there under, remain the exclusive property of the Government. Within 10 days after completion or termination of this order, the contractor shall submit all Government materials (copies included) that were furnished to the contractor by the Government and all materials that were developed by the contractor in performing the order, except for email which will be submitted to the Government only upon specific request.

Section XIV. Evaluation Factors

The proposed award will be a time-and-material contract with reimbursable costs for actual travel expenses. The award may be made for any one, or more, of the tasks and additional task awards may be made as funding becomes available.

The proposal must be prepared in two parts: A technical proposal and a price proposal. Contractors shall submit one electronic copy of the technical and price proposal that specifically addresses the requirements of this SOW [RFP2014 StellerCriticalHabitat@psmfc.org](mailto:RFP2014_StellerCriticalHabitat@psmfc.org) by 3:00 pm, Pacific Standard Time on July 18, 2014. Additionally, one original and one hard copy of a technical and price proposals shall be submitted, in a timely manner not to exceed ten business days, by regular mail after the deadline.

This is a best value requirement. PSMFC reserves the right to make an award without discussions based solely upon initial proposals. Therefore, contractors should ensure that their initial proposal constitutes their best offer in terms of both price and the technical solution being proposed. Award will be made to the contractor that offers the best value to the PSMFC.

The criteria stated below will be used in the evaluation of factors other than price (technical approach, conflict of interest, past performance and relevant experience) are considered to be more important than price. Factors are listed in descending order of importance.

1. Technical Approach (40%)
2. Experience (20%)
3. Past Performance (20%)
4. Cost (20%)

Provide the following information in the technical proposal:

Technical Approach: Describe the technical approach towards fulfilling SOW requirements and the appropriate personnel levels and skill mixes as required under this SOW.

Experience: Provide a list of names, **resumes**, education, background, work experience and proposed duties of the proposed key personnel.

Past Performance: PSMFC may use past performance information obtained from any available reliable source. However, the contractor shall provide a list of the last 3 contracts or subcontracts completed during the past three years that were the same or similar in nature to the proposed work herein. Contracts listed may include those entered into by the Federal Government, agencies of state and local governments and commercial customers. Include the following information for each contract and subcontract:

- a. Name of contracting entity
- b. Contract/order number
- c. Contract type
- d. Total contract value
- e. Brief description of work
- f. Contracting officer, telephone and fax number
- g. The federal or other program manager, telephone and fax number

--Provide information on problems encountered during each contract performance and describe corrective actions taken to resolve those problems.

--Describe any quality awards or certifications that indicate the offeror possesses a high quality process for work performed.

Provide the following information in the Price Proposal: Pricing details shall be itemized by task and by individual and role. Detail shall be provided showing loaded hourly rates, number of hours anticipated for the task, and task cost for each individual expected to participate in the task. Subtotals for tasks shall be provided along with proposal total for all tasks. The template in Appendix A below shall be used to provide the pricing proposals. Please provide the rate by individual and role. Also, provide a separate line item for reimbursable travel.

Appendix A. Project Personnel Hourly Rates Template (position titles are examples of what may be used and can be customized as needed)

Labor Category	Rate	Task 1		Task 2		Task 3		Task 4		Task 5		Total
		Hours	\$ cost	\$ cost								
Principal (name)												
Project Manager (name)												
Analyst III: (name)												
Analyst II: (name)												
Analyst I: (name)												
Technician: (name)												
Administrative Support (name)												
Subcontracted Analyst: (name)												
Other costs or fees												
Subtotal		<hr/>										
Travel												<hr/>
Total												<hr/>

Appendix B: Concurrent Socioeconomic and Biologic project timeline:

TIMELINE FOR REVIEW OF DESIGNATED STELLER SEA LION CRITICAL HABITAT

Economics tasks italicized with deadlines and key dates in **bold**; other tasks in black

Introductory Comments:

Section 3 of the Endangered Species Act (ACT) defines critical habitat (CH) as “(i) the specific areas within the geographical area occupied by the species, at the time it is listed..., on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed..., upon a determination by the Secretary that such areas are essential for the conservation of the species.” Our critical habitat regulations (50 CFR 424.12(c)) state that critical habitat will be defined by specific limits using reference points and lines on standard topographic maps of the area. Section 4(b)(2) of the ESA requires that we consider economic, national security, and other impacts of designating critical habitat before designating critical habitat. Existing critical habitat may be revised according to the same procedures as initial designations as new data become available to the Secretary.

The following timeline allows for analysis of all telemetry data on adult females and juveniles currently in National Marine Mammal Laboratory (NMML) databases and for field work of Critical Habitat Review Team (CHRT) members. This follows a recommendation to the CHRT from NMML analysts who indicated that the vast majority of the adult female and juvenile data are currently held at NMML and that seeking all available adult female data (in particular) would add significantly to the time required but not to the quality of the analysis. Members of the CHRT concurred. Hence, NMML is proceeding with an analysis of habitat use by juvenile and adult female Steller sea lions (SSL) in Alaska based on satellite telemetry deployments of NMML and the Alaska Department of Fish and Game (ADF&G). Timeframes related to this important analysis are reflected in the draft timeline below. This concurrent timeline serves to inform potential respondents of the timeline for the socioeconomic analysis and how it parallels, and is affected by, the timeline for the biologic/scientific portion of this critical habitat review.

TIMELINE:

*By **6/9/14**: RFP is released.*

*Two weeks after Economics Analysis RFP released: Written questions deadline (**6/23/14**).*

*3 weeks after Economics Analysis RFP released: Post answers to written questions (**6/30/14**).*

*Contractor Intent to respond to RFP must be filed with PSMFC by **7/7/14**.*

*7 weeks after Economics Analysis RFP released: Proposal submission deadline (**7/18/14**).*

By 6/15/14: Draft FR notice of public meeting to provide an opportunity for presentation of external scientific input and forward to NMFS Protected Resources Division (PRD) for review.

By 6/30/14: Forward FR notice and related package about public meeting to solicit external scientific input to NMFS Headquarters (NMFS HQ).

*7-8 weeks after Economics Analysis RFP released: Proposal Review **7/21/14- 8/4/14**.*

*8 weeks after Economics Analysis RFP released: Select contractor **8/04/14**.*

*Award will be made on **8/6/14**.*

By 8/15/14 NMFS GIS specialist submits all maps and GIS shape files of current SSL CH in Alaska to NMFS PRD for inclusion in the package to the economics consultant.

By 8/15/14: Complete a preliminary draft of the sections of the biological report and proposed rule summarizing the background, biology, and description of the essential features and circulate for CHRT review. Since NMFS will hold meeting to solicit external input, finalization of this draft by team will be delayed until after external meeting.

*10 weeks after Economics Analysis RFP released: Kickoff meeting and information packet to contractor: meeting tentatively on **8/28/14**, in Anchorage Alaska.*

By 9/15/14: Hold public meeting (Seattle?) to solicit external scientific information related to SSL CH determination.

The day following the public meeting, the CHRT meets to consider need to revise information base and/or analysis related to CH determination following consideration of information provided at the external meeting.

*By **12/31/14**: Contractor will submit Draft Economic Synthesis to NMFS (**deliverable from Task 1**).*

By January 31, 2015: NMML will provide a preliminary output from their analysis of SSL telemetry deployments of NMML and ADF&G in Alaska. This work will provide updated and more complete information about the habitat use of adult female and juvenile Steller sea lions to inform the work of the CHRT.

*By **1/30/15**: NMFS will review Economics Synthesis and provide comments to contractor.*

TIMELINE FROM HERE ON FOLLOWS THE PRELIMINARY TELEMETRY ANALYSIS

By 2/13/15: CHRT reconvenes to consider NMML's preliminary outputs from new telemetry analysis and determine what implications the new data have to describing SSL foraging habitat. CHRT develops recommendations for the geographic areas that contain the essential features.

By 2/20/15: NMFS PRD will provide maps of areas delineated in biological steps 3-4, and after considering new information from public scientific meeting, to Economics Project Manager.

2/27/15: Sections of biological report are due from CHRT members following input from: external meeting, any additional meetings with specific researchers, consideration and discussion of new telemetry analysis, and consensus discussion of CHRT.

By **2/24/15**: Economics Project Manager provides maps of any new areas qualifying as SSL CH to the economics consultant so that they can refine draft economic synthesis.

By **3/14/15**: If new areas are added, Contractor Revises Economics Synthesis, if necessary, and Returns Draft to NMFS for review.

By **4/24/15**: Contractor provides Draft Economic analysis (**deliverable from Task 2**) to NMFS.

By 5/06/15: Draft Biological Report completed by CHRT (LR-lead). This report will be released with proposed rule.

By 5/19/15: NMML provides produce a manuscript to the CHRT on the habitat use of adult and juvenile sea lions, including those in Southeast Alaska.

By **5/22/15**: NMFS reviews and comments on draft synthesis and analysis (Task 1 and 2) and Economics Project Manager provides written feedback to contractor.

By 5/30/15: CHRT reconvenes to consider implications of findings presented in the manuscript and completes Draft Biological Report (LR-lead). This report will be released with proposed rule.

By **6/19/15**: Contractor provides final Draft Economics Report (Final Draft RIR/ 4(b)(2) Preparatory assessment/IRFA); this gets released with proposed rule.

By 7/8/15: NMFS PRD will complete a draft of the sections of the proposed rule summarizing the background, biology, description of the essential features and other description of areas that qualify as CH and circulate for PRD review (biological sections will be based on related sections in CHRT's Final Draft Biological Report).

By **7/8/15**: Economics Project Manager completes draft of section of proposed rule summarizing economics analysis.

By 7/31//15: NMFS PRD and Economics Project Manager complete first draft of 4(b)(2) report and submit to for NMFS internal review.

By 8/7/15: AK Region will complete its review of Draft 4(b)(2) report.

By 8/21/2015: CHRT will confer to consider biological effects of possible 4(b)(2) exclusions and provide feedback to PRD; this may trigger need for extinction risk analysis which would extend timelines.

By 8/28/15: Make agreed upon changes made to 4(b)(2) report and complete changes to sections of the proposed rule discussing 4(b)(2) analysis.

By 9/4/15: Send final proposed rule NMFS internal reviewers.

By 9/14/15: NMFS internal review comments to project leads.

By 9/25/15: Modifications to proposed rule will be made and all related transmission documents will be ready for final regional signoff.

By 10/2/15: Send proposed rule package (CHRT report, economics report, 4(b)(2) report, proposed rule, and all supporting memos, advisories, and clearances) to HQ.

Publish proposed rule to revise SSL CH

60 day comment period occurs. Peer review of Draft Biological Report, Draft Economics Report, Draft 4(b)(2) Report, and Proposed Rule occurs.

Within 45 days of release of proposed rule: Hold Public Hearing in Anchorage (Task 3).

Within 30 days following end of public comment period (autumn 2015), contractor reviews all comments received by NMFS on the proposed rule, comments from public hearing, and provide a Draft Comment Analysis Report (CAR) to the Project Manager (Task 4).

Within 2 weeks of receipt of draft Comment Analysis Report, Economics Project Manager and NMFS PRD meet to agree on any changes needed to Comment Analysis Report: Economics Project Manager provided comments to contractor.

Within 3 weeks of receiving input on needed changes to Draft Comment Analysis Report, contractor provides revised Comment Report to the Economics Project Manager.

CHRT Review of Comments on Biological Report and Biological Sections: Within 5 working days of receiving the Final Comment Analysis report, NMFS PRD will distribute relevant public and peer review comments received on the Draft Biological Report and the agency's proposal to the CHRT with preliminary assignments for response.

Within 4 weeks, the CHRT will: review the comments and draft preliminary responses to comments; make changes, if any, to the Biological Report or the extinction risk consideration of proposed exclusions (if any) due to the comments; and finalize boundaries of areas where at least one (or more) essential feature occurs.

Within 1 week of CHRT finalization of boundaries of areas that qualify as SSL CH (following consideration of public and peer review) PRD Provides Economics Project Manager with memo indicating any new changes to boundaries to be analyzed in economics report.

Within 3 weeks of CHRT meeting on responses to comments and needed modifications to Final Biological report, PRD finalizes draft response to comments for biological sections and submits these to PRD and GC for review.

Within 4 weeks of receipt of Final Comment Analysis Report, Economics Analysis Project Manager reviews the comments on Draft Economics Report and related sections in the proposed rule, prepares input for needed changes to contractor, and prepares responses to comments on economics sections. Economics Project Manager submits the draft responses on economic sections for internal review.

Within 7 days of receiving draft responses to comments, regional reviewers return comments.

Within 7 days of receipt of comments on draft response to comments, project leads incorporate changes and/or request meeting if discussion of some responses is needed.

Within 2 weeks of receiving comments, comment responses that will appear in the final rule are finalized.

Concurrent with above, Economics Project Manager will provide input to contractor regarding needed changes, including consideration on new boundaries (if any), to the Draft Economics Report.

14-60 days *(depending on whether and how much boundaries have changed) after receiving NMFS input on needed changes to Draft Economics Report, contractor provides revised draft to NMFS.*

14 days *after receiving revised Draft Final Economics Report, NMFS reviews and comments on preliminary final draft analysis.*

Within 30 days *of receiving NMFS input regarding needed changes to Draft Economics Report, and after receiving any changes to boundaries, Contractor delivers Final Draft Economics Report (Final RIR/ 4(b) (2) Preparatory assessment/IRFA) to NMFS (Task 5). This report will be released with the final rule.*

NMFS revises 4(b) (2) report as needed.

Draft final rule complete and submitted for Regional, OGC, and OPR review.

Send final decision package to OPR; work with HQ on roll out and briefings.

Publish final decision on CH re-evaluation.

Appendix C. Currently Designated Steller Sea Lion Critical Habitat at 50 CFR 226.202

§226.202 Critical habitat for Steller sea lions.

STELLER SEA LION (*EUMETOPIAS JUBATUS*)

(a) *Alaska rookeries, haulouts, and associated areas.* In Alaska, all major Steller sea lion rookeries identified in Table 1 and major haulouts identified in Table 2 and associated terrestrial, air, and aquatic zones. Critical habitat includes a terrestrial zone that extends 3,000 feet (0.9 km) landward from the baseline or base point of each major rookery and major haulout in Alaska. Critical habitat includes an air zone that extends 3,000 feet (0.9 km) above the terrestrial zone of each major rookery and major haulout in Alaska, measured vertically from sea level. Critical habitat includes an aquatic zone that extends 3,000 feet (0.9 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery and major haulout in Alaska that is east of 144°W. longitude. Critical habitat includes an aquatic zone that extends 20 nm (37 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery and major haulout in Alaska that is west of 144°W. longitude.

(b) *California and Oregon rookeries and associated areas.* In California and Oregon, all major Steller sea lion rookeries identified in Table 1 and associated air and aquatic zones. Critical habitat includes an air zone that extends 3,000 feet (0.9 km) above areas historically occupied by sea lions at each major rookery in California and Oregon, measured vertically from sea level. Critical habitat includes an aquatic zone that extends 3,000 feet (0.9 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery in California and Oregon.

(c) *Three special aquatic foraging areas in Alaska.* Three special aquatic foraging areas in Alaska, including the Shelikof Strait area, the Bogoslof area, and the Seguam Pass area.

(1) Critical habitat includes the Shelikof Strait area in the Gulf of Alaska and consists of the area between the Alaska Peninsula and Tugidak, Sitkinak, Aiaktulik, Kodiak, Raspberry, Afognak and Shuyak Islands (connected by the shortest lines); bounded on the west by a line connecting Cape Kumlik (56°38' N/157°27' W) and the southwestern tip of Tugidak Island (56°24' N/154°41' W) and bounded in the east by a line connecting Cape Douglas (58°51' N/153°15' W) and the northernmost tip of Shuyak Island (58°37' N/152°22' W).

(2) Critical habitat includes the Bogoslof area in the Bering Sea shelf and consists of the area between 170°00' W and 164°00' W, south of straight lines connecting 55°00' N/170°00' W and 55°00' N/168°00' W; 55°30' N/168°00' W and 55°30' N/166°00' W; 56°00' N/166°00' W and 56°00' N/164°00' W and north of the Aleutian Islands and straight lines between the islands connecting the following coordinates in the order listed:

52°49.2' N/169°40.4' W

52°49.8' N/169°06.3' W

53°23.8' N/167°50.1' W

53°18.7' N/167°51.4' W

53°59.0' N/166°17.2' W

54°02.9' N/166°03.0' W

54°07.7' N/165°40.6' W

54°08.9' N/165°38.8' W

54°11.9' N/165°23.3' W

54°23.9' N/164°44.0' W

(3) Critical habitat includes the Seguam Pass area and consists of the area between 52°00' N and 53°00' N and between 173°30' W and 172°30' W.

[58 FR 45278, Aug. 27, 1993. Redesignated and amended at 64 FR 14067, Mar. 23, 1999]

Table 1 to Part 226—Major Stellar Sea Lion Rookery Sites

Major Steller sea lion rookery sites are identified in the following table. Where two sets of coordinates are given, the 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. Where only one set of coordinates is listed, that location is the base point.

State/region/site	Boundaries to—			
	Latitude	Longitude	Latitude	Longitude
Alaska:				
Western Aleutians:				
Agattu I.:				
Cape Sabak ¹	52 23.5N	173 43.5E	52 22.0N	173 41.0E
Gillon Point ¹	52 24.0N	173 21.5E		
Attu I. ¹	52 54.5N	172 28.5E	52 57.5N	172 31.5E
Buldir I. ¹	52 20.5N	175 57.0E	52 23.5N	172 51.0E
Central Aleutians:				
Adak I. ¹	51 36.5N	176 59.0W	51 38.0N	176 59.5W
Agligadak I. ¹	52 06.5N	172 54.0W		
Amchitka I.: ¹				
Column Rock ¹	51 32.5N	178 49.5E		
East Cape ¹	51 22.5N	179 28.0E	51 21.5N	179 25.0E
Ayugadak I. ¹	51 45.5N	178 24.5E		
Gramp Rock ¹	51 29.0N	178 20.5W		
Kasatochi I. ¹	52 10.0N	175 31.5W	52 10.5N	175 29.0W
Kiska I.:				
Lief Cove ¹	51 57.5N	177 21.0E	51 56.5N	177 20.0E
Cape St. Stephen ¹	51 52.5N	177 13.0E	51 53.5N	177 12.0E
Seguam I./Saddleridge ¹	52 21.0N	172 35.0W	52 21.0N	172 33.0W
Semisopochnoi I.:				
Pochnoi Pt ¹	51 58.5N	179 45.5E	51 57.0N	179 46.0E
Petrel Pt ¹	52 01.5N	179 37.5E	52 01.5E	179 39.0E
Tag I. ¹	51 33.5N	178 34.5W		
Ulak I. ¹	51 20.0N	178 57.0W	51 18.5N	178 59.5W
Yunaska I. ¹	52 42.0N	170 38.5W	52 41.0N	170 34.5W
Eastern Aleutian:				
Adugak I. ¹	52 55.0N	169 10.5W		

Akun I./Billings Head ¹	54 18.0N	165 32.5W	54 18.0N	165 31.5W
Akutan I./Cape Morgan ¹	54 03.5N	166 00.0W	54 05.5N	166 05.0W
Bogoslof I. ^{1 2}	53 56.0N	168 02.0W		
Ogchul I. ¹	53 00.0N	168 24.0W		
Sea Lion Rocks. (Amak) ¹	55 28.0N	163 12.0W		
Ugamak I. ¹	54 14.0N	164 48.0W	54 13.0N	164 48.0W
Bering Sea:				
Walrus I. ¹	57 11.0N	169 56.0W		
Western Gulf of Alaska:				
Atkins I. ¹	55 03.5N	159 18.5W		
Chernabura I. ¹	54 47.5N	159 31.0W	54 45.5N	159 33.5W
Clubbing Rocks (N) ¹	54 43.0N	162 26.5W		
Clubbing Rocks (S) ¹	54 42.0N	162 26.5W		
Pinnacle Rock ¹	54 46.0N	161 46.0W		
Central Gulf of Alaska:				
Chirikof I. ¹	55 46.5N	155 39.5W	55 46.5N	155 43.0W
Chowiet I. ¹	56 00.5N	156 41.5W	56 00.5N	156 42.0W
Marmot I. ¹	58 14.5N	151 47.5W	58 10.0N	151 51.0W
Outer I. ¹	59 20.5N	150 23.0W	59 21.0N	150 24.5W
Sugarloaf I. ¹	58 53.0N	152 02.0W		
Eastern Gulf of Alaska:				
Seal Rocks ¹	60 10.0N	146 50.0W		
Fish I. ¹	59 53.0N	147 20.5W		
Southeast Alaska:				
Forrester I.	54 51.0N	133 32.0W	54 52.5N	133 35.5W
Hazy I	55 52.0N	134 34.0W	55 51.5N	134 35.0W
White Sisters	57 38.0N	136 15.5W		
Oregon:				
Rogue Reef: Pyramid Rock	42 26.4N	124 28.1W		
Orford Reef:				
Long Brown Rock	42 47.3N	124 36.2W		
Seal Rock	42 47.1N	124 35.4W		
California:				
Ano Nuevo I.	37 06.3N	122 20.3W		
Southeast Farallon I.	37 41.3N	123 00.1W		

Sugarloaf I. & Cape Mendocino	40 26.0N	124 24.0W		
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¹Includes an associated 20 NM aquatic zone.

²Associated 20 NM aquatic zone lies entirely within one of the three special foraging areas.

[58 FR 45278, Aug. 27, 1993]

Table 2 to Part 226—Major Stellar Sea Lion Haulout Sites in Alaska

Major Steller sea lion haulout sites in Alaska are identified in the following table. Where two sets of coordinates are given, the 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. Where only one set of coordinates is listed, that location is the basepoint.

State/region/site	Boundaries to—			
	Latitude	Longitude	Latitude	Longitude
Alaska:				
Western Aleutians:				
Alaid I. ¹	52 45.0N	173 56.5E	52 46.5N	173 51.5E
Attu/Chirikof Pt. ¹	52 30.0N	173 26.7E		
Shemya I. ¹	52 44.0N	174 09.0E		
Central Aleutians:				
Amatignak I. ¹	51 13.0N	179 08.0E		
Amlia I:				
East ¹	52 05.0N	172 58.5W	52 06.0N	172 57.0W
Sviech. Harbor ¹	52 02.0N	173 23.0W		
Amukta I. & Rocks ¹	52 31.5N	171 16.5W	52 26.5N	171 16.5W
Anagaksik I. ¹	51 51.0N	175 53.5W		
Atka I. ¹	52 23.5N	174 17.0W	52 24.5N	174 07.5W
Bobrof I. ¹	51 54.0N	177 27.0W		
Chagulak I. ¹	52 34.0N	171 10.5W		
Chuginadak I. ¹	52 46.5N	169 44.5W	52 46.5N	169 42.0W
Great Sitkin I. ¹	52 06.0N	176 10.5W	52 07.0N	176 08.5W
Kagamil I. ¹	53 02.5N	169 41.0W		
Kanaga I:				
North Cape ¹	51 56.5N	177 09.0W		
Ship Rock ¹	51 47.0N	177 22.5W		
Kavalga I. ¹	51 34.5N	178 51.5W	51 34.5N	178 49.5W
Kiska I./Sirius Pt. ¹	52 08.5N	177 36.5E		
Kiska I./Sobaka & Vega ¹	51 50.0N	177 20.0E	51 48.5N	177 20.5E
Little Sitkin I. ¹	51 59.5N	178 30.0E		
Little Tanaga I. ¹	51 50.5N	176 13.0W	51 49.0N	176 13.0W
Sagigik I. ¹	52 00.5N	173 08.0W		
Seguam I:				

South ¹	52 19.5N	172 18.0W	52 15.0N	172 37.0W
Finch Pt. ¹	52 23.5N	172 25.5W	52 23.5N	172 24.0W
Segula I. ¹	52 00.0N	178 06.5E	52 03.5N	178 09.0E
Tanaga I. ¹	51 55.0N	177 58.5W	51 55.0N	177 57.0W
Tanadak I. (Amlia) ¹	52 04.5N	172 57.0W		
Tanadak I. (Kiska) ¹	51 57.0N	177 47.0E		
Ugidak I. ¹	51 35.0N	178 30.5W		
Uliaga I. ¹	53 04.0N	169 47.0W	53 05.0N	169 46.0W
Unalga & Dinkum Rocks ¹	51 34.0N	179 04.0W	51 34.5N	179 03.0W
Eastern Aleutians:				
Akutan I./Reef-Lava ¹	54 10.5N	166 04.5W	54 07.5N	166 06.5W
Amak I. ¹	55 24.0N	163 07.0W	55 26.0N	163 10.0W
Cape Sedanka & Island ¹	53 50.5N	166 05.0W		
Emerald I. ¹	53 17.5N	167 51.5W		
Old Man Rocks ¹	53 52.0N	166 05.0W		
Polivnoi Rock ¹	53 16.0N	167 58.0W		
Tanginak I. ¹	54 13.0N	165 19.5W		
Tigalda I. ¹	54 08.5N	164 58.5W		
Umnak I./Cape Aslik ¹	53 25.0N	168 24.5W		
Bering Sea:				
Cape Newenham ¹	58 39.0N	162 10.5W		
Hall I. ¹	60 37.0N	173 00.0W		
Round I. ¹	58 36.0N	159 58.0W		
St. Paul I:				
Northeast Point ¹	57 15.0N	170 06.5W		
Sea Lion Rock ¹	57 06.0N	170 17.5W		
St. George I:				
S Rookery ¹	56 33.5N	169 40.0W		
Dalnoi Point ¹	56 36.0N	169 46.0W		
St. Lawrence I:				
S Pুনuk I. ¹	64 04.0N	168 51.0W		
SW Cape ¹	63 18.0N	171 26.0W		
Western Gulf of Alaska:				
Bird I. ¹	54 40.5N	163 18.0W		
Castle Rock ¹	55 17.0N	159 30.0W		

Caton I. ¹	54 23.5N	162 25.5W		
Jude I. ¹	55 16.0N	161 06.0W		
Lighthouse Rocks ¹	55 47.5N	157 24.0W		
Nagai I. ¹	54 52.5N	160 14.0W	54 56.0N	160 15.0W
Nagai Rocks ¹	55 50.0N	155 46.0W		
Sea Lion Rocks (Unga) ¹	55 04.5N	160 31.0W		
South Rock ¹	54 18.0N	162 43.5W		
Spitz I. ¹	55 47.0N	158 54.0W		
The Whaleback ¹	55 16.5N	160 06.0W		
Central Gulf of Alaska:				
Cape Barnabas ¹	57 10.0N	152 55.0W	57 07.5N	152 55.0W
Cape Chiniak ¹	57 35.0N	152 09.0W	57 37.5N	152 09.0W
Cape Gull ^{1 2}	58 13.5N	154 09.5W	58 12.5N	154 10.5W
Cape Ikolik ^{1 2}	57 17.0N	154 47.5W		
Cape Kuliak ^{1 2}	58 08.0N	154 12.5W		
Cape Sitkinak ¹	56 32.0N	153 52.0W		
Cape Ugat ^{1 2}	57 52.0N	153 51.0W		
Gore Point ¹	59 12.0N	150 58.0W		
Gull Point ¹	57 21.5N	152 36.5W	57 24.5N	152 39.0W
Latax Rocks ¹	58 42.0N	152 28.5W	58 40.5N	152 30.0W
Long I. ¹	57 45.5N	152 16.0W		
Nagahut Rocks ¹	59 06.0N	151 46.0W		
Puale Bay ^{1 2}	57 41.0N	155 23.0W		
Sea Lion Rocks (Marmot) ¹	58 21.0N	151 48.5W		
Sea Otter I. ¹	58 31.5N	152 13.0W		
Shakun Rock ^{1 2}	58 33.0N	153 41.5W		
Sud I. ¹	58 54.0N	152 12.5W		
Sutwik I. ¹	56 32.0N	157 14.0W	56 32.0N	157 20.0W
Takli I. ^{1 2}	58 03.0N	154 27.5W	58 03.0N	154 30.0W
Two-headed I. ¹	56 54.5N	153 33.0W	56 53.5N	153 35.5W
Ugak I. ¹	57 23.0N	152 15.5W	57 22.0N	152 19.0W
Ushagat I. ¹	58 55.0N	152 22.0W		
Eastern Gulf of Alaska:				
Cape Fairweather	58 47.5N	137 56.3W		
Cape St. Elias ¹	59 48.0N	144 36.0W		

Chiswell Islands ¹	59 36.0N	149 34.0W		
Graves Rock	58 14.5N	136 45.5W		
Hook Point ¹	60 20.0N	146 15.5W		
Middleton I. ¹	59 26.5N	146 20.0W		
Perry I. ¹	60 39.5N	147 56.0W		
Point Eleanor ¹	60 35.0N	147 34.0W		
Point Elrington ¹	59 56.0N	148 13.5W		
Seal Rocks ¹	60 10.0N	146 50.0W		
The Needle ¹	60 07.0N	147 37.0W		
Southeast Alaska:				
Benjamin I.	58 33.5N	134 54.5W		
Biali Rock	56 43.0N	135 20.5W		
Biorka I.	56 50.0N	135 34.0W		
Cape Addington	55 26.5N	133 49.5W		
Cape Cross	57 55.0N	136 34.0W		
Cape Ommaney	56 10.5N	134 42.5W		
Coronation I.	55 56.0N	134 17.0W		
Gran Point	59 08.0N	135 14.5W		
Lull Point	57 18.5N	134 48.5W		
Sunset I.	57 30.5N	133 35.0W		
Timbered I.	55 42.0N	133 48.0W		

¹Includes an associated 20 NM aquatic zone.

²Associated 20 nm aquatic zone lies entirely within one of the three special foraging areas.

[58 FR 45279, Aug. 27, 1993, as amended at 59 FR 30716, June 15, 1994]