FINAL REGULATORY FLEXIBILITY ANALYSIS

for a Proposed Amendment to Regulations Implementing the Fishery Management Plan for Groundfish of the Gulf of Alaska

Proposed Steller Sea Lion Amendments
to
Exempt Pacific cod Vessels using Pot Gear From Two Haulout Protection Areas
in the Gulf of Alaska

March 2003

Lead Agency: National Marine Fisheries Service
Alaska Fisheries Science Center
Seattle, Washington
and the
Alaska Regional Office
National Marine Fisheries Service
Juneau, Alaska

Responsible Official James W. Balsiger
Regional Administrator
Alaska Regional Office

For Further Information Contact:

Ben Muse
National Marine Fisheries Service
P. O. Box 21668
Juneau, AK 99802
(907) 586-7228

Abstract: This Final Regulatory Flexibility Analysis (FRFA) evaluates a proposed action to permit Pacific cod pot fishing at two Steller sea lion haulouts in the Gulf of Alaska. This FRFA meets the requirements of the Regulatory Flexibility Act at 5 U.S.C. 604(a).

This page deliberately left blank

Table of Contents

This page deliberately left blank

Executive Summary

This Final Regulatory Flexibility Analysis (FRFA) examines a regulatory action to open Steller sea lion haulouts within Alaska state waters near Caton Island and Cape Barnabas to Pacific cod pot fishing by vessels named on a federal fishing permit. This FRFA addresses the requirements of the Regulatory Flexibility Act at section 604(a).

The proposed rule was published in the *Federal Register* on February 18, 2003 (68 *FR* 7750). An Initial Regulatory Flexibility Analysis (IRFA) was prepared for the proposed rule, and described in the classifications section of the preamble to the rule. The public comment period ended on March 20, 2003. No comments were received on the proposed rule.

NMFS Alaska Fisheries Science Center (AFSC) data show that, in 2000, 252 pot catcher vessels and four pot catcher/processors fished for groundfish in the GOA. While the actual number of vessels fishing with pot gear in the GOA is 256, the numbers fishing near the waters that may be opened under this action is smaller. An examination of the numbers of vessels fishing for Pacific cod with pot gear in state waters within the South Peninsula management area (the location of the Caton Island haulout) found 31 in 1999 and 51 in 2000. An examination of the numbers fishing in the Kodiak management area (the location of the Cape Barnabas haulout) found 41 in 1999 and 44 in 2000. An estimated six vessels actually fished within the Caton Island and Cape Barnabas haulouts in each of those years. Evidence on gross revenues from the AFSC indicates that all vessels fishing for Pacific cod with pots in the GOA are classified as small entities according to SBA criteria.

This regulation does not impose new recordkeeping or reporting requirements on the regulated small entities.

The status quo, which did not open the areas within zero to three nautical miles of the two haulouts to Pacific cod pot fishing by vessels named on a federal fishery permit, was considered as an alternative. However, this status quo alternative would have been more burdensome to small entities than the alternative chosen. The preferred alternative lifts restrictions on fishing with pots for Pacific cod and provides small entities somewhat more flexibility. It is not clear if lifting the restrictions will increase revenues or reduce costs for these operations significantly. These operations have other inshore areas nearby - including within the same State of Alaska statistical reporting areas - within which they could fish. The volumes of fish taken from these areas in the past are modest compared to overall harvests from other Alaska inshore waters in those areas. Nevertheless, the preferred alternative reduces regulatory restrictions on these operations compared to the status quo.

This page deliberately left blank

1 Introduction

This Final Regulatory Flexibility Analysis (FRFA) examines the regulatory action to open Steller sea lion haulouts within Alaska state waters near Caton Island and Cape Barnabas to Pacific cod pot fishing by vessels named on federal fishing permits. This FRFA addresses the requirements of the Regulatory Flexibility Act at section 604(a).

The proposed rule was published in the *Federal Register* on February 18, 2003 (68 *FR* 7750). An Initial Regulatory Flexibility Analysis (IRFA) was prepared for the proposed rule, and described in the classifications section of the preamble to the rule. The public comment period ended on March 20, 2003. No comments were received on the proposed rule.

2 The purpose of a FRFA

The Regulatory Flexibility Act (RFA), first enacted in 1980, was designed to place the burden on the government to review all regulations to ensure that, while accomplishing their intended purposes, they do not unduly inhibit the ability of small entities to compete. The RFA recognizes that the size of a business, unit of government, or nonprofit organization frequently has a bearing on its ability to comply with a Federal regulation. Major goals of the RFA are: (1) to increase agency awareness and understanding of the impact of their regulations on small business, (2) to require that agencies communicate and explain their findings to the public, and (3) to encourage agencies to use flexibility and to provide regulatory relief to small entities. The RFA emphasizes predicting impacts on small entities as a group distinct from other entities and on the consideration of alternatives that may minimize the impacts while still achieving the stated objective of the action.

On March 29, 1996, President Clinton signed the Small Business Regulatory Enforcement Fairness Act. Among other things, the new law amended the RFA to allow judicial review of an agency's compliance with the RFA. The 1996 amendments also updated the requirements for a final regulatory flexibility analysis, including a description of the steps an agency must take to minimize the significant economic impact on small entities. Finally, the 1996 amendments expanded the authority of the Chief Counsel for Advocacy of the Small Business Administration (SBA) to file *amicus* briefs in court proceedings involving an agency's violation of the RFA.

In determining the scope, or 'universe', of the entities to be considered in a FRFA, NMFS generally includes only those entities that can reasonably be expected to be directly regulated by the proposed action. If the effects of the rule fall primarily on a distinct segment, or portion thereof, of the industry (e.g., user group, gear type, geographic area), that segment would be considered the universe for the purpose of this analysis. NMFS interprets the intent of the RFA to address negative economic impacts, not beneficial impacts, and thus such a focus exists in analyses that are designed to address RFA compliance.

Data on cost structure, affiliation, and operational procedures and strategies in the fishing sectors subject to the proposed regulatory action are insufficient, at present, to permit preparation of a "factual basis" upon which to certify that the preferred alternative does not have the potential to result in "significant adverse impacts on a substantial number of small entities" (as those terms are defined under RFA).

Because, based on all available information, it is not possible to 'certify' this outcome, should the proposed action be adopted, a formal FRFA has been prepared and is included in this package for Secretarial review.

3 What is required in a FRFA?

Under 5 U.S.C., Section 604(a) of the RFA, each FRFA is required to contain:

> (1) a succinct statement of the need for, and objectives of, the rule;
>
> (2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;
>
> (3) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available;
>
> (4) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and
>
> (5) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

4 What is a small entity?

The RFA recognizes and defines three kinds of small entities: (1) small businesses, (2) small non-profit organizations, and (3) and small government jurisdictions.

Small businesses. Section 601(3) of the RFA defines a 'small business' as having the same meaning as 'small business concern' which is defined under Section 3 of the Small Business Act. 'Small business' or 'small business concern' includes any firm that is independently owned and operated and not dominant in its field of operation. The SBA has further defined a "small business concern" as one "organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor...A small business concern may be in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the firm is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture."

The SBA has established size criteria for all major industry sectors in the U.S., including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is

independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of $3.5 million for all its affiliated operations worldwide. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the $3.5 million criterion for fish harvesting operations. Finally a wholesale business servicing the fishing industry is a small business if it employs 100 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide.

The SBA has established "principles of affiliation" to determine whether a business concern is "independently owned and operated." In general, business concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party controls or has the power to control both. The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. Individuals or firms that have identical or substantially identical business or economic interests, such as family members, persons with common investments, or firms that are economically dependent through contractual or other relationships, are treated as one party with such interests aggregated when measuring the size of the concern in question. The SBA counts the receipts or employees of the concern whose size is at issue and those of all its domestic and foreign affiliates, regardless of whether the affiliates are organized for profit, in determining the concern's size. However, business concerns owned and controlled by Indian Tribes, Alaska Regional or Village Corporations organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601), Native Hawaiian Organizations, or Community Development Corporations authorized by 42 U.S.C. 9805 are not considered affiliates of such entities, or with other concerns owned by these entities solely because of their common ownership.

Affiliation may be based on stock ownership when (1) a person is an affiliate of a concern if the person owns or controls, or has the power to control 50 percent or more of its voting stock, or a block of stock which affords control because it is large compared to other outstanding blocks of stock, or (2) if two or more persons each owns, controls or has the power to control less than 50 percent of the voting stock of a concern, with minority holdings that are equal or approximately equal in size, but the aggregate of these minority holdings is large as compared with any other stock holding, each such person is presumed to be an affiliate of the concern.

Affiliation may be based on common management or joint venture arrangements. Affiliation arises where one or more officers, directors or general partners controls the board of directors and/or the management of another concern. Parties to a joint venture also may be affiliates. A contractor or subcontractor is treated as a participant in a joint venture if the ostensible subcontractor will perform primary and vital requirements of a contract or if the prime contractor is unusually reliant upon the ostensible subcontractor. All requirements of the contract are considered in reviewing such relationship, including contract management, technical responsibilities, and the percentage of subcontracted work.

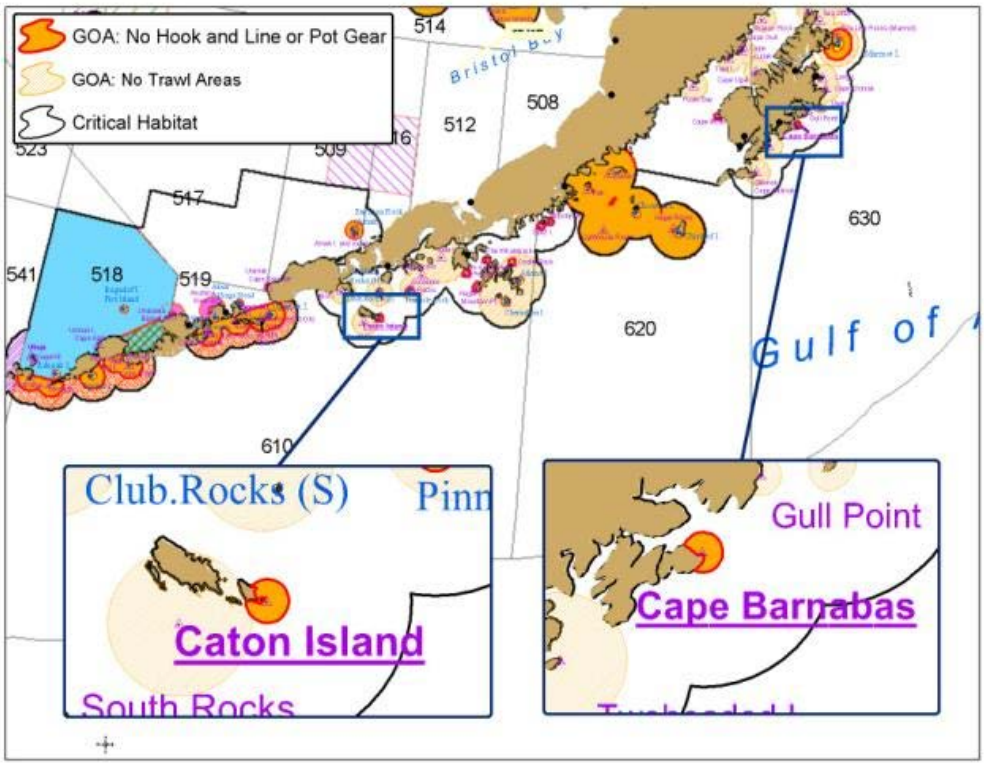
Small organizations. The RFA defines "small organizations" as any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

Small governmental jurisdictions. The RFA defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.

5 What is this action?

This action would allow vessels named on a federal fishery permit using pot gear in a directed fishery for Pacific cod to fish within 3 nm of the Caton Island and Cape Barnabas Steller sea lion haulouts. Fishing by vessels named on a federal fishery permit is currently prohibited in these areas. This action would provide consistency between federal and state regulations governing fishing restrictions within Steller seas lion protection areas.

Location of Caton Island and Cape Barnabas haulouts.



6 Need for and objectives of the rule

At its October 2001 meeting, the North Pacific Fishery Management Council (Council) recommended Steller sea lion (SSL) protection measures for 2002 and beyond. These measures were developed by a Council-appointed committee (hereafter referred to as the SSL Committee, but was formerly called the "RPA Committee"). In developing its recommendations, the SSL Committee first assessed the needs of

Steller sea lions to avoid jeopardy or destruction or adverse modification of their critical habitat based on the best scientific information available. The SSL Committee then crafted groundfish fisheries management measures that first provided protection for Steller sea lions. If some flexibility existed, the measures were crafted to minimize adverse economic impacts to affected fishermen and fishing communities, as long as protection for Steller sea lions was maintained, as required by the Endangered Species Act (ESA).

These recommendations included a revised harvest control rule for pollock, Pacific cod, and Atka mackerel; closed areas and seasons based on the location, fishery, and gear type; critical habitat harvest limits for the pollock and Atka mackerel fisheries in certain areas of critical habitat; and requirements to allow for monitoring of pollock, Pacific cod, and Atka mackerel directed fishing. The recommendations of the SSL Committee were further modified by the Council.

NMFS formally consulted under section 7 of the ESA on the SSL protection measures. A biological opinion (2001 BiOp) was appended to the SSL SEIS which evaluated the effects of the preferred alternative on ESA listed species. The agency determined in the BiOp that the protection measures proposed by the Council were not likely to jeopardize the continued existence of the western distinct population segment (DPS) of Steller sea lions or result in the destruction or adverse modification of its critical habitat. Based on this BiOp and the environmental impacts disclosed in the SSL SEIS, the Council adopted the preferred alternative (with modifications) and forwarded it to NMFS for approval and implementation. NMFS implemented the preferred alternative in 2002 by emergency interim rule (67 FR 956, January 8, 2002, amended 67 FR 21600, May 1, 2002). For 2003 and beyond, the preferred alternative has been implemented through a final rule (68 FR 204, January 2, 2003).

On December 18, 2002, the United States District court for the Western District of Washington remanded to NMFS the biological opinion ("2001 BiOp") NMFS prepared for the groundfish fisheries managed pursuant to the Stellar sea lion protection measures published on January 2, 2003. Greenpeace et al. v. National Marine Fisheries Service, No. C98-492Z (W.D. Wash.). The Court held that the biological opinion's findings of no jeopardy to the continued existence of endangered Stellar sea lions and no adverse modification of their critical habitat were arbitrary and capricious. On December 30, 2002, the Court issued an Order declaring that the 2001 BiOp "shall remain effective until June 30, 2003," while NMFS complies with the remand.

In November 2001, the Alaska Board of Fisheries (BOF) reviewed the Council's recommendation for Steller sea lion protection measures. These measures generally consist of fishery or gear specific directed fishing closures within 3, 10, or 20 nautical miles (nm) of Steller sea lion rookeries or haulouts. NMFS and the Council expected that the BOF would mirror these regulations in State waters during the parallel[1] fisheries for pollock, Atka mackerel, and Pacific cod. This is necessary to implement the protection measures that included fishery prohibitions that extended into State waters.

[1]The term "parallel groundfish fishery" is defined as the Pacific cod, walleye pollock, and Atka mackerel fisheries in State waters opened by the Commissioner of the Alaska Department of Fish and Game (ADF&G), under emergency order authority to correspond with the times, area, and unless otherwise specified, the gear of the federal season in adjacent federal waters (Alaska Administrative code 5 AAC 28.087(c), January 3, 2002). In a parallel fishery, harvest in State waters is credited against the federal total allowable catch (TAC) amount specified for that species. The parallel fishery does not include fishing for groundfish in State waters under a separate State-managed guideline harvest level.

The BOF responded by authorizing the Commissioner of the Alaska Department of Fish and Game (ADF&G), through emergency order, to open and close seasons and areas as necessary to mirror federal regulations for the purpose of protecting Steller sea lions. However, the BOF did provide two exemptions for vessels fishing for Pacific cod with pot gear around the Caton Island and Cape Barnabas haulouts.

The two exceptions in the parallel fishery would allow directed fishing for Pacific cod with pot gear between 0-3 nm of the Caton Island and Cape Barnabas haulouts. The proposed action recommended by the Council, and assessed in the 2001 BiOp, closed 0-3 nm to all gear types except vessels using jig gear. Thus, the BOF action authorizes pot gear fishing within 0-3 nm of two haulouts that was not considered or assessed in the 2001 BiOp.

The rationale stated by the BOF for this discrepancy was that few animals have been seen at these two sites over the last decade; these sites are haulouts instead of rookeries; and that other sites in the region would remain closed to pot gear fishing inside 3 nm of haulouts. Hook-and-line gear was not included in the exemption because this gear type is not authorized in the State-managed Pacific cod fishery.

Because the BOF action did not contain these Caton Island and Cape Barnabas closures, the SSL protection measures under state regulations were not consistent with Federal rules because they allowed vessels without a federal fishing permit to fish in those areas under Alaska State law. This resulted in conflicting Federal and State regulations, as well as being different from the action that was consulted on under the ESA. In November, 2001, NMFS informally consulted on these changes and determined that they were not of sufficient extent to re-initiate formal consultation under the ESA.[2] NMFS informed the Council at its February 2002 meeting that no new scientific analyses were necessary in order to consider the BOF action on GOA haulouts, therefore, the Council requested that an analysis be developed immediately for an action to remove fishing restrictions around these sites.

7 Public Comments

The proposed rule was published in the *Federal Register* on February 18, 2003 (68 *FR* 7750). An Initial Regulatory Flexibility Analysis (IRFA) was prepared for the proposed rule, and described in the classifications section of the preamble to the rule. The public comment period ended on March 20, 2003. No comments were received on the proposed rule.

8 Number and description of small entities affected by the proposed action

What are the regulated entities?

The entities that would be regulated by the proposals to allow vessels fishing Pacific cod with pots to operate within three nautical miles of Cape Barnabas and Caton Island are the entities operating vessels fishing for Pacific cod with pot gear in the GOA.

Number of small regulated entities

[2]December 11, 2001, memorandum from Michael Payne, Assistant Regional Administrator for Protected Resources to Susan Salveson, Assistant Regional Administrator for Sustainable Fisheries.

NMFS Alaska Fisheries Science Center (AFSC) data show that, in 2000, 252 pot catcher vessels and four pot catcher/processors fished for groundfish in the GOA. While the actual number of vessels fishing with pot gear in the GOA is 256, the numbers fishing near the waters that may be opened under this action is smaller. An examination of the numbers of vessels fishing for Pacific cod with pot gear in state waters within the South Peninsula management area (the location of the Caton Island haulout) found 31 in 1999 and 51 in 2000. An examination of the numbers fishing in the Koidak management area found 41 in 1999 and 44 in 2000. An estimated six vessels actually fished within the Caton Island and Cape Barnabas haulouts in each of those years.

The best source of information on the size classification of groundfish vessels in the GOA are unpublished tables prepared by the AFSC. These show that in 2000, 252 pot catcher vessels and four pot catcher/processors fished for groundfish in the GOA. All of these were classified as small entities according to the SBA criteria. There are good reasons to believe that these tables overestimate the numbers of small entities.[3] The AFSC also provides related tables showing estimated gross revenues for large and small entities. These tables show that the small catcher vessels grossed an average of about $80,000 in 2000, while the small catcher/processors grossed an average of $310,000 in 2000. These estimates of gross revenues only include revenues from groundfish fisheries and may therefore be underestimates of actual gross revenues.[4]

9 Recordkeeping and reporting requirements

The FRFA should include "a description of the projected reporting, record keeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record..."

This regulation does not impose new recordkeeping or reporting requirements on the regulated small entities.

10 Description of significant alternatives

A FRFA should include "a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected. "

The status quo, which did not open the areas within zero to three nautical miles of the two haulouts to Pacific cod pot fishing by vessels named on a federal fishery permit, was considered as an alternative. However, this status quo alternative would have been more burdensome to small entities than the

[3]For one thing, the determination in the NMFS tables is based on groundfish revenues only. These vessels may well have revenues from other Alaskan fisheries. In this case, given the use of pot gear, these vessels may have revenues from shellfish fisheries. The tables are known to be subject to other shortcomings as well. They do not take account of revenues that may have been earned in fisheries outside of Alaska and they do not take account of affiliations that may exist between vessels, or between vessels and processors.

[4]Because revenues from other fisheries, or the impact of affiliations, are not accounted for.

alternative chosen. The preferred alternative lifts restrictions on fishing with pots for Pacific cod and provides small entities somewhat more flexibility. It is not clear if lifting the restrictions will increase revenues or reduce costs for these operations significantly. These operations have other inshore areas nearby - including within the same State of Alaska statistical reporting areas - within which they could fish. The volumes of fish taken from these areas in the past are modest compared to overall harvests from other Alaska inshore waters in those areas. Nevertheless, the preferred alternative reduces regulatory restrictions on these operations compared to the status quo.

List of preparers

Dr. Ben Muse
National Marine Fisheries Service
Alaska Region
P. O. Box 21668
Juneau, AK 99802

List of people consulted (during the preparation of the EA/RIR/IRFA and FRFA)

Kent Lind, Dr. Lewis Queirolo, David Ackley, Shane Capron, Melanie Brown, and Tamra Faris
National Marine Fisheries Service, Alaska Region

Michael P. Ruccio
Alaska Department of Fish and Game, Kodiak

Literature cited (during preparation of the EA/RIR/IRFA and FRFA)

Alaska Department of Commerce and Economic Development. (2001) "Western Alaska Community Development Quota Handbook." Juneau: May 29, 2001.

Hiatt, Terry, Ron Felthoven and Joe Terry. (2001) "Stock Assessment and Fishery Evaluation Report for the Groundfish Fisheries of the Gulf of Alaska and Bering Sea/Aleutian Island Area: Economic Status of the Groundfish Fisheries off Alaska, 2000." Socioeconomic Assessments Program. Resource Ecology and Fisheries Management Division, Alaska Fisheries Science Center, NMFS. Seattle: November, 2001.

Ianelli, James N., Troy Buckly, Taina Honkolehto, Gary Walters, and Neal Williamson. 2001. "Eastern Bering Sesa Walleye Pollock Stock Assessment." SAFE report. November 20, 2001.

Jackson, David R. and Michael P. Ruccio. 2001. "Annual Management Report for the Kodiak, Chignik, and South Alaska Peninsula Area Groundfish Fisheries, 2000." Alaska Department of Fish and Game, Division of Commercial Fisheries. Regional Information Report No 4K01-44. Kodiak: September 2001.

NMFS. (1999a). "Draft for Secretarial Review. Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for The Extension of an Emergency Rule to

Implement Reasonable and Prudent Steller Sea Lion Protection Measures in the Pollock Fisheries of the Bering Sea and Aleutian Islands Area and the Gulf of Alaska." DOC, NOAA, National Marine Fisheries Service, AK Region. P.O. Box 21668, Juneau, AK 99802-1668. June 25, 1999.

NMFS. (1999b). "Endangered Species Act - Section 7 Reinitiation of Consultation Biological Opinion: Groundfish Fisheries Conducted under the Bering Sea and Aleutian Islands and Gulf of Alaska Fishery Management Plans of the North Pacific Fishery Management Council.", NMFS Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115. p. 60.

NMFS. (2001a). Steller Sea Lion Protection Measures Final Supplemental Environmental Impact Statement. November 2001. DOC, NOAA, National Marine Fisheries Service, AK Region, P.O. Box 21668, Juneau, AK 99802-1668.

NMFS. (2001b). Alaska Groundfish Fisheries Draft Programmatic Supplemental Environmental Impact Statement. January 2001. DOC, NOAA, National Marine Fisheries Service, AK Region, P.O. Box 21668, Juneau, AK 99802-1668. pp. Volumes I-VIII approx 3300.

NMFS. (2001c). Draft Steller sea lion protection measures supplemental environmental impact statement. October 2001. DOC, NOAA, National Marine Fisheries Service, AK Region, P.O. Box 21668, Juneau, AK 99802-1668.

NMFS. (2002). Final Environmental Impact Statement for American Fisheries Act Amendments 61/61/13/8. February 2002. DOC, NOAA, National Marine Fisheries Service, AK Region, P.O. Box 21668, Juneau, AK 99802-1668.

Payne, P. Michael. 2001. Memo from P. Michael Payne, NMFS Assistant Regional Administrator (Alaska Region) for Protected Resources, to Susan Salveson, NMFS Assistant Regional Administrator (Alaska Region) for Sustainable Fisheries, on "Endangered Species Act (ESA) Informal Consultation for the Alaska Pollock, Atka Mackerel, and Pacific cod fisheries under Fishery Management Plans (FMPS) for the groundfish Fisheries of the Bering Sea and Aleutian Islands Area and Gulf of Alaska." Dated December 11, 2001.

Ruccio, Michael P. 2002. Alaska Department of Fish and Game, Kodiak. Personal communication. March 8, 2002.

USFWS. (2001). Endangered Species Act Formal Consultation for the 2001-2004 Total Allowable Catch Specifications for the Gulf of Alaska and Bering Sea/Aleutian Island Groundfish Fisheries. Letter from Ann G. Rappoport to James W. Balsiger. 1011 E. Tudor Road, Suite 219, Anchorage, AK 99503. FWS Log No. WAES-01016.