
DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

PIN 1018-AB41

Endangered and Threatened Wildlife and Plants; Listing of the Steller Sea Lion as a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The service is making permanent the Steller (northern) sea lion (*Eumetopias jubatus*) to the List of Endangered and Threatened Wildlife which was added as an emergency rule and was due to expire on December 3, 1990. This measure, required by the Endangered Species Act of 1973, corresponds with a determination of threatened status by the National Marine Fisheries Service, which has jurisdiction for the Steller sea lion.

EFFECTIVE DATE: The amendment to § 17.11(h) published on April 10, 1990 (55 FR 13486) is adopted as a final rule as of December 4, 1990 and continues in effect.

FOR FURTHER INFORMATION CONTACT: Dr. Larry Shannon, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service (452 ARLSQ), Washington, DC 20240, (703/358-2171, FTS 921-2171).

SUPPLEMENTARY INFORMATION: Responsibility for the Steller sea lion under the Endangered Species Act (Act) lies with the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce. Section 4(a)(2) of the Act provides that NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Fish and Wildlife Service (FWS) is responsible for the actual addition of a species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

The FWS had followed the emergency rule of NMFS that determined the Steller sea lion to be threatened (April 5, 1990; 55 FR 12645) with its own emergency rule adding the species to the list (April 10, 1990; 55 FR 13488). That rule would

have expired December 3, 1990, if this final rule had not been published.

NMFS published its determination of threatened status for the Steller sea lion on November 26, 1990 (55 FR 49204). Accordingly, the FWS is adding the Steller sea lion as a threatened species to the List of Endangered and Threatened Wildlife. Because this action of the FWS is nondiscretionary and the species is already listed under the above emergency rule, the FWS finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted

pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of Chapter 1, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

§ 17.11 [Amended]

2. The amendment to § 17.11(h) published on April 10, 1990 (55 FR 13488) is adopted as final and continues in effect.

3. Section 17.11(h) is further amended by revising the "When listed" column entry for "Sea-lion, Steller * * *" under MAMMALS in the List of Endangered and Threatened Wildlife to read as "384E, 408".

Dated: November 26, 1990.

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.
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