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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 031999E]

#### Tilefish Fishery; Intent to Prepare an Environmental Impact Statement

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of intent to prepare an environmental impact statement (EIS); request for scoping comments.

**SUMMARY:** NMFS announces its intention to prepare, in cooperation with the Mid-Atlantic Fishery Management Council (Council), an EIS to assess potential effects on the human environment of changes to the management regime for tilefish (*Lopholatilus chamaeleonticeps*) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) as amended. Management would be accomplished by developing and implementing a Tilefish Fishery Management Plan (FMP) that would include appropriate management measures.

In addition, the Council announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to developing management measures for tilefish. The intended effect of this notice is to alert the interested public of the commencement of a scoping process and to provide for public participation. This action is necessary to comply with Federal environmental documentation requirements.

**DATES:** Written comments will be accepted until April 30, 1999. The scoping meeting will be held at 7 p.m. on Tuesday, April 27, 1999.

**ADDRESSES:** Send scoping comments to Mr. Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904-6790. The scoping meeting will be held at the Atlantic City Sheraton, 6821 Black Horse Pike, Atlantic City West, NJ.

**FOR FURTHER INFORMATION CONTACT:** Daniel T. Furlong, 302-674-2331 (FAX 302-674-5399).

#### SUPPLEMENTARY INFORMATION:

##### Problems Discussed for this FMP

##### 1. Overfishing Must Be Ended and the Stock Biomass Must Be Rebuilt

Results from the recently completed (February 1999) NMFS Northeast Fishery Science Center (NEFSC) stock assessment indicate that the tilefish stock (north of North Carolina) is at a low biomass level and is likely overexploited. Total biomass in 1997 was estimated to be 7.3 million lb (3.311 million kg), which is about 36 percent of the biomass that would produce maximum sustainable yield (MSY) ( $B_{MSY}$ ). Biomass-based fishing mortality was estimated to be 0.55, which is about 2.8 times higher than  $F_{MSY}$  of 0.20. Total landings in 1997 were slightly under 4.0 million lb and roughly the estimated MSY. One projection indicates that the stock can rebuild to  $B_{MSY}$  in 10 years if fished at a biomass-based fishing mortality of 0.16 for the next 10 years. This rate of fishing mortality equates to annual landings of about 1.7 million lb (0.77 million kg). Current fishing mortality rates are unsustainable. There has been a shift in the exploitation pattern towards smaller fish.

##### 2. Overcapitalization Should Be Avoided

The tilefish fishery takes place year-round. However, it is most intense from October to June when market values and catch rates are the highest. Tilefish vessels are usually of steel construction and range in length from 50 to 100 ft (15.24 to 30.48 m). Although the number of vessels targeting tilefish has decreased since the peak in the early 1980s, the approximate dozen vessels currently in the fishery have more than adequate capacity to harvest the MSY level. Reductions in fishing effort for most of the New England and Mid-Atlantic fisheries (i.e. groundfish, scallops, and summer flounder) could result in additional fishing effort on the tilefish resource, as displaced vessels could enter this fishery.

##### 3. Need for Better Data

National Standard 2 of the Magnuson-Stevens Act states that "measures shall be based upon the best scientific information available." The 14<sup>th</sup> NEFSC Stock Assessment Workshop noted that the weighout interview coverage of the fishery was low and that other data, which would allow for detection of changes in abundance would be useful to corroborate trends observed in the

abundance indices. This workshop also called for the collection of size samples from landings. These data are important to assess the impacts and effectiveness of management measures, as well as, monitor fishing mortality and changes in stock size to determine if additional management measures for the FMP may be necessary.

##### 4. Identification and Description of Essential Fish Habitat

Pursuant to the 1996 requirements of the Sustainable Fisheries Act, which amended the Magnuson-Stevens Act, the Council is required to identify and describe essential habitat for tilefish in the western Atlantic Ocean north of North Carolina. Therefore, the Council solicits comments from the public on the identification of and threats to essential habitat for tilefish during the scoping process.

##### 5. Possible Management Objectives and Proposed Management Measures

The current proposed management unit is all tilefish under U.S. jurisdiction in the Atlantic Ocean north of North Carolina. Tilefish south of the Virginia/North Carolina border are currently managed as part of the Snapper-Grouper Fishery Management Plan by the South Atlantic Fishery Management Council and NMFS.

The intended purpose and possible objectives of the FMP are to: (1) End overfishing and rebuild the resource to the MSY level; (2) prevent overcapitalization; (3) limit new entrants; and (4) collect data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing.

Possible proposed management measures include: (1) Minimum fish size, (2) minimum hook size, (3) closed seasons, (4) closed areas, (5) quotas, (6) moratorium on vessels, (7) dealer and vessel permits, (8) dealer and vessel reports, (9) operator permits, (10) gear restrictions, (11) gear limits, (12) trip limits, and (13) other measures to reduce effort.

It is likely that any of the measures that are actually implemented would be frameworked. A Monitoring Committee, made up of representatives of the Councils and NMFS, would annually review the condition of the fishery and adjust the measures (e.g., trip limits, quotas, etc.) to achieve the desired goals.

##### 6. Permitting and Reporting

It is anticipated that permits would be required for vessels landing tilefish for

sale, dealers purchasing tilefish from permitted vessels, and operators of permitted commercial vessels. Vessels landing tilefish for sale would need to submit logbook reports and dealers purchasing this species from permitted commercial vessels would need to submit reports.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid Office of Management and Budget control number.

Under the Paperwork Reduction Act, burden hour estimates were calculated by NMFS for Amendment 2 to the Summer Flounder Fishery Management Plan. Burden hours for tilefish should be minimal as the fishery is somewhat seasonal (mostly October to June) and is currently prosecuted by only about 12 vessels. Using the same approach as was taken in summer flounder, it is

anticipated that the 12 vessels would make three trips per month for 9 months—thus, a total of 324 reports from the fishermen (12 X 3 X 9). At 0.08 hours per report response, there would be a total of 27 burden hours per year. At a maximum, the same number of burden hours would be required for the tilefish processors.

#### *7. Timetable for EIS Preparation and Decision Making*

The Council has adopted a tentative preparation, review, and approval schedule for this FMP. Under this schedule, the draft EIS is planned for completion in May 1999 so that a special Council meeting dedicated exclusively to this FMP can be convened. If an acceptable draft is completed, the Council would decide at that meeting whether to submit the draft EIS for public review. Oral comments to the Council on their decision could be made at that meeting. If the Council's decision is affirmative, public review of the draft EIS would occur during 45 days in June and July 1999. At its

August 1999 meeting, the Council would decide on revisions to the management of tilefish. Again, oral comments on this decision could be made to the Council at this meeting. If the Council's decision is affirmative, the EIS would be made final and submitted with the FMP recommendations and other rulemaking documents to the Secretary of Commerce (Secretary) for review and approval. The Council reserves the right to modify or abandon this schedule if deemed necessary.

Under the Magnuson-Stevens Act, Secretarial review and approval of an FMP includes concurrent public comment periods on the FMP and proposed regulations. If approved by the Secretary under this schedule, the tilefish management measures could be effective early in 2000.

Dated: March 26, 1999.

**Bruce C. Morehead,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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