

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit a FMP or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a document in the **Federal Register** stating that the amendment is available for public review and comment.

Amendment 4 to the FMP, as approved and implemented by NMFS on May 8, 1992, initiated the moratorium on the issuance of new commercial reef fish vessel permits, which was intended to last for 3 years. It was subsequently extended twice, the second of which was in 1995 for a duration of 5 years terminating on December 31, 2000. The Council and NMFS deemed the moratorium necessary to moderate short-term future increases in fishing effort and to stabilize fishing mortality while the Council considered a more comprehensive effort limitation program for the reef fish fishery. During the moratorium, the Council developed an individual transferable quota system for red snapper. However, before it was implemented, Congress prohibited individual fishing quotas (IFQs) under sections 303(d) and 407 of the Magnuson-Stevens Act. The current Congressional prohibition of IFQs will lapse on October 1, 2000.

The Council intends to evaluate a broad range of controlled access systems, including IFQ, for the commercial reef fish fishery. Development and implementation of a comprehensive controlled access system is expected to extend past the period of the current moratorium. Without the benefit of a moratorium, open access in the reef fish fishery is bound to increase fishing effort and complicate allocation of fishing privileges, thereby creating an unstable fishery environment.

NMFS will consider comments received by February 15, 2000, whether specifically directed to the amendment or the proposed rule, in its decision to approve, disapprove, or partially approve the amendment. NMFS will not consider comments received after that date in this decision. NMFS will address all comments on the amendment or the proposed rule received during their respective comment periods in the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 13, 1999.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 120999A]

Western Pacific Fishery Management Council; Public Scoping Meetings

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

ACTION: Public scoping meetings; request for comments.

SUMMARY: The Western Pacific Fishery Management Council (Council) will convene public scoping meetings on its draft Coral Reef Ecosystem Fishery Management Plan (CREFMP), preliminary draft Environmental Impact Statement (PDEIS) for the CREFMP, and associated documents for the CREFMP.

The Council announces its intention to prepare an environmental impact statement (EIS) on the Federal management of crustaceans in the Western Pacific Region. The scope of the EIS analysis will include all activities related to the conduct of the fisheries and will examine the impacts of crustacean harvest on, among other things, protected species. The Council will hold public scoping meetings and accept written comments to provide for public input into the range of actions, alternatives, and impacts that the EIS should consider. The Council will continue scoping meetings for the EIS on bottomfish and seamount groundfish fisheries with meetings planned throughout Hawaii.

The Council also announces its intention to develop an amendment to the Fishery Management Plan for Pelagic Species Fisheries of the Western Pacific Region (Pelagics FMP) which will consider a range of alternatives and impacts for management of incidental and directed catches of management unit species of sharks, including finning. The Council will hold a series of meetings to give the public an opportunity to comment.

DATES: Written comments will be accepted until January 24, 2000. Public scoping meetings will be held from December 20, 1999, to January 13, 2000.

See **SUPPLEMENTARY INFORMATION** for specific dates, times and locations.

ADDRESSES: Comments on the Council's draft CREFMP and PDEIS, intent to prepare EISs for crustacean fisheries, scoping for crustacean, bottomfish, and seamount groundfish fisheries and intent to develop an amendment to the pelagics FMP concerning shark catches should be sent to Kitty M. Simonds, Executive Director, Western Pacific Regional Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813. Copies of the draft CREFMP, PDEIS and documents for the crustacean EIS, bottomfish EIS and shark management are available from the Council office. Public scoping meetings will be held in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and Hawaii. See **SUPPLEMENTARY INFORMATION** for specific scoping meeting locations and for special accommodations.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 808-522-8220.

SUPPLEMENTARY INFORMATION:

A. A summary of the Coral Reef Ecosystem FMP/PDEIS will be presented including the preferred alternatives identified by the Council for management action, as described below. Comments will be solicited from the public on these management alternatives.

At its 101st meeting, held from October 18-21, 1999, the Council took initial action to approve the following preferred alternatives for the FMP:

1. Marine Protected Areas (MPAs): (a) For the unincorporated atolls: MPAs would be zoned for limited take, subject to a special permit (see permit requirements below), to a depth of 50 fm around each island/atoll, with exceptions granted for personal consumption by island residents and for fishing for species managed under existing FMPs.

(b) For the Northwestern Hawaiian Islands (NWHI): the MPA would include all substrate from the shoreline to a depth of 50 fm and be zoned for no take from 0-10 fm and for limited take, by special permit only (see permit requirements below), from 10-50 fm, with exceptions granted for fishing for species managed under existing FMPs.

(c) For Guam's offshore southwest banks: This area would be designated a MPA, with the only initial restriction being a prohibition on anchoring on the banks by fishing vessels >50 ft. long.

2. Allowable Gear and Methods: Allowable gear would be limited to remotely operated vehicles (ROV)/

submersible, hand harvest, handline, hook-and-line, rod and reel, spear, slurp gun, hand net/dip net, barrier net (aquarium), and surround/purse net (for akule and aku bait fishing only). The use of hookah, and possession or use of any poisons, explosives or intoxicating substances would be prohibited. Fish traps (fish defined generally to include other organisms) would additionally be allowed in appropriate areas and with appropriate conditions if permanently marked to identify the owner. Nets would be allowed for use in limited applications permitted here and should always be tended. Also, the use of scuba with spear should be prohibited at night only.

3. Permits and Reporting: Include in the FMP two types of permits: a general permit for taxa harvested in non-MPA areas, and a special permit for non-targeted taxa in all areas and for targeted taxa in MPA areas:

(a) Regular (General) permits: To harvest Coral Reef Ecosystem (CRE) Management Unit Species/taxa (MUS) within the non-MPA areas, a regular permit would be required (subject to standard eligibility requirements such as completed Federal application, vessel documentation, US citizenship, etc.).

(b) Special coral reef ecosystem permit: The permit will be issued on a case-by-case basis, by the Southwest Regional Administrator in consultation with the Council, subject to specific conditions that restrict access. Individual application and the issuance of a special individual permit will be required until the Council develops, under the framework process, general permits (based on sufficient information) that can be applied broadly to a fleet of fishers for harvest of particular taxa or groups of taxa, harvest of CRE taxa, other than those covered by existing FMPs (exempt).

(c) No permits would be issued for the take of wild live rock or live hexacorals (hard corals); except for small amounts for brood-stock for breeding/aquaculture, (where consistent with local laws). Regulated culture of new live rock on labeled artificial substrates placed in the sea without harm to wild biota could be accommodated under special permit conditions.

(d) Permits issued under other FMPs would be unaffected by the above permit requirements.

4. MUS: The MUS would include essentially all biota in the ecosystem, divided into two groups. One group, "Harvested Coral Reef Taxa," contains those species/taxa that are currently harvested or are believed to be subject to immediate harvest. For many of these taxa, enough may be known to make

some reasonable estimates about their ability to support harvest. The other group, "Non-targeted Coral Reef Taxa," includes those taxa for which there is no known harvest and, in many cases, no biological information to support decisions about sustainable harvest.

5. Essential Fish Habitat (EFH) requirements:

(a) EFH: Link MUS to specific habitat composites consistent with the depth of the ecosystem to 50 fm and to the limit of the exclusive economic zone (EEZ).

(b) For Habitat Areas of Particular Concern (HAPC): Based on the established criteria for HAPC designation and the list of "Harvested CRE taxa", revise the list to focus/refine HAPC based on established criteria. This list may include existing protected areas/reserves as HAPC.

6. Overfishing/Maximum Sustainable Yield (MSY) requirements: Determine overfishing and MSY as follows:

(a) For MUS/taxa with a good history of harvest, use existing catch data and other available information to make best estimates of MSY.

(b) When insufficient catch data exist from EEZ sources, extrapolate data from other similar areas where fishing has occurred.

(c) When no information exists, estimate MSY by proxy, state assumptions clearly, and/or explain why estimates cannot be made.

7. Bycatch requirement: Note that the highly selective gear listed in the allowable gear list should minimize bycatch. Other bycatch provisions should similarly follow those for existing FMPs.

8. Fishing communities requirement: Approve the Scientific and Statistical Committee's approach that coral reef ecosystem fishing communities be defined based on island areas: Guam, CNMI, American Samoa, and each of the major inhabited islands of Hawaii.

9. Fishing sectors requirement: Employ standard data reporting systems already developed for each island area, similar to those provisions for existing FMPs, with no exemption to the reporting requirement for subsistence fishermen.

10. Non-regulatory measures: Follow a formal process to be described in the FMP regarding interaction among the various FMP Plan Teams to coordinate in the monitoring and addressing of ecosystem impacts.

The CREFMP, and its associated EIS, will be the Council's fifth FMP for the EEZ for all US Pacific Islands. This area includes nearly 11,000 km² (4,000 square miles) of coral reefs. Development of the FMP is timely considering new mandates and

initiatives such as the April 1999 report to Congress by the Ecosystem Principles Advisory Panel on Ecosystem-Based Fishery Management, the President's 1998 Executive Order on Coral Reefs (E.O. 13089) and priorities of the U.S. Coral Reef Task Force and the U.S. Coral Reef Initiative, as well as the provisions of the Magnuson Stevens Fishery Conservation and Management Act, including provisions of the Sustainable Fisheries Act. The draft FMP describes the importance of coral reef resources to the region and current and potential threats that warrant a management plan at this time. Information regarding the harvest of these resources in the EEZ is largely unknown. Potential for unregulated harvest and bio-prospecting for reef fish, live grouper, live rock and coral exists throughout the region. Marine debris, largely from fishing gear, is impacting reefs in the NWHI.

B. Scoping meetings for the crustacean EIS will be held at all locations as listed under the "Date" section above. Bottomfish and seamount groundfish scoping meetings will be held at the Hawaii locations only. Public scoping meetings on the bottomfish and seamount groundfish EIS were completed for American Samoa, Guam, and the CNMI in July and August of 1999.

A summary of the current Federal management system for crustaceans, bottomfish and seamount groundfish will be reviewed during public scoping hearing. The Council will hear comments on the current management system and any proposed changes. A principal objective of the scoping and public input process is to identify a reasonable set of management alternatives that, with adequate analysis, will sharply define critical issues and provide a clear basis for choice among the alternatives. The intent of the EIS is to present an overall picture of the environmental effects of fishing as conducted under the FMPs. Rather than focusing narrowly on one management action, the EIS will include a range of reasonable management alternatives and an analysis of their impacts in order to define issues and provide clear basis for choice among options by the public and the Council.

The EIS will discuss the impacts of bottomfish, seamount groundfish, and crustacean harvest accruing with present management regulations and under a range of representative alternative management regulations on Western Pacific ecosystem issues. These issues include: EFH, target and non-target species of fish, fish that are discarded, marine mammals (Hawaiian

monk seals and cetaceans), and other protected species present in the Western Pacific ecosystem. In addition, the environmental consequences section will contain an analysis of socio-economic issues associated with conduct of the fishery on the following groups of individuals: (1) Those who participate in harvesting the fishery resources and other living marine resources, (2) those who process and market the fish and fishery products, (3) those who are involved in allied support industries, (4) those who consume fishery products, (5) those who rely on living marine resources in the management area either for subsistence needs or for recreational benefits, (6) those who benefit from non-consumptive uses of living marine resources, (7) those involved in managing and monitoring fisheries, and (8) fishing communities.

C. At its 101st meeting on October 18–21, 1999, the Council took initial action to approve the following preferred alternatives for incidental and directed shark catches in and around Hawaii's EEZ to be implemented by an amendment to the Pelagics FMP.

a. Establish a fleet-wide quota of 50,000 sharks harvested by vessels with a Hawaii longline limited entry permit. This limit would be established as a precautionary measure to prevent further expansion of fishing mortality on shark stocks caught by the Hawaii longline fishery.

b. Establish a framework mechanism which would adjust the shark quota

annually based on changes in catch per unit effort or other objective indicators of the health of the stocks.

c. Prohibit the use of demersal longline to fish for pelagics in the NWHI protected species zone, and within the Main Hawaiian Islands longline 3–75 nm closed area.

Dates, Times, and Locations

The public scoping meetings will be held on:

Monday, December 20, 1999, from 3:00–6:00 p.m., Department of Marine and Wildlife Resources (DMWR) Conference Room, AS. Phone contact c/o DMWR 684–633–4456

Tuesday, December 28, 1999, from 7:00–9:00 p.m., Guam Fishermen's Cooperative Association, Hagatna, GU. Phone contact c/o Guam Dept. of Commerce 671–475–0321

Wednesday, December 29, 1999, from 6:30–8:30 p.m., Joeten-Kiyu Public Library Conference Room, Saipan, CNMI. Phone Division of Fish and Wildlife Resources (DFWR) 670–322–9834 for information;

Tuesday, December 28, 1999, from 6:00–7:00 p.m., King Kamehameha Hotel, Kamakahonu Ballroom, Kona, HI;

Wednesday, December 29, 1999, from 6:00–7:00 p.m., College of Agriculture, Cooperative Extension Service Conference Room A, 875 Komahana St., Hilo, HI;

Tuesday, January 4, 2000, from 6:00–9:00 p.m., Maui Beach Hotel, Maui Room, Kahalui, Maui, HI;

Wednesday, January 5, 2000, from 6:00–9:00 p.m., Haleiwa Alii Beach Park, John Kalili Surf Center, Oahu, HI;

Thursday, January 6, 2000 from 6:00–9:00 p.m., Wilcox Elementary School, Lihue, Kauai; Monday, January 10, 2000 from 6:00–9:00 p.m., Waianae Public Library, Oahu, HI;

Tuesday, January 11, 2000 from 6:00–9:00 p.m., Lanai Airport Conference Room, Lanai, HI;

Wednesday, January 12, 2000 from 6:00–9:00 p.m., Mitchell Pauole Center Conference Room, Kaunakakai, Molokai, HI and Thursday, January 13, 2000 from 6:00–9:00 p.m., Ala Moana Hotel, Carnation Room, Honolulu, HI. Phone: Council office–808–522–8220.

These meetings will be advertised in the local newspapers.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 14, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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