

(c) Be substantially intoxicated on any street, road, beach, theater, club, or other public place from the voluntary use of intoxicating liquor, drugs or other substance. As used in this paragraph, "substantially intoxicated" is defined as an actual impairment of mental or physical capacities.

§ 38.13 Speed limits.

No person on Midway Atoll National Wildlife Refuge shall exceed the speed limit for automobiles, trucks, bicycles, motorcycles, or other vehicles. Unless otherwise posted, the speed limit throughout the Midway Atoll National Wildlife Refuge is 15 miles per hour.

§ 38.14 Miscellaneous prohibitions.

No person on Midway Atoll National Wildlife Refuge shall:

(a) Smoke or ignite any fire in any designated and posted "No Smoking" area, or in the immediate proximity of any aircraft, fueling pit, or hazardous material storage area;

(b) Knowingly report or cause to be reported to any public official, or willfully activate or cause to be activated, any alarm, that an emergency exists, knowing that such report or alarm is false. "Emergency," as used herein, includes any condition which results, or could result, in the response of a public official in an emergency vehicle, or any condition which jeopardizes, or could jeopardize, public lives or safety, or results or could result in the evacuation of an area, building, structure, vehicle, aircraft, or boat or other vessel, or any other place by its occupants; or

(c) Intentionally report to any public official authorized to issue a warrant of arrest or make an arrest, that a crime has been committed, or make any oral or written statement to any of the above officials concerning a crime or alleged crime or other matter, knowing such report or statement to be false.

§ 38.15 Attempt.

No person on Midway Atoll National Wildlife Refuge shall attempt to commit any offense prohibited by this part.

§ 38.16 Penalties.

Any person who violates any provision of this part shall be fined or imprisoned in accordance with 16 U.S.C. 668dd(e) and Title 18, U.S. Code.

Subpart D—Civil Administration

§ 38.17 General.

Civil administration of Midway Atoll National Wildlife Refuge shall be governed by the provisions of this part 38, 50 CFR parts 25–32, and the general principles of common law.

Dated: July 27, 1997.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 97–22714 Filed 8–26–97; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 082097D]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Scoping Process for Atlantic Sea Herring

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

ACTION: Notice of intent to prepare a supplemental environmental impact statement (SEIS) and notice of scoping process; request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intent to prepare a Fishery Management Plan (FMP) for Atlantic sea herring (*Clupea harengus*) and stocks, and to prepare an SEIS to analyze the impacts of any proposed management measures, while the Atlantic States Marine Fisheries Commission (Commission) develops a complementary amendment to its Atlantic Herring FMP under the authority of the Atlantic Coastal Fisheries Cooperative Management Act. The Council and Commission also formally announce a public process to determine the scope of issues to be addressed in the environmental impact analysis. The purpose of this notification is to alert the interested public of the commencement of the scoping process, and to provide for public participation in compliance with environmental documentation requirements.

DATES: The Council will discuss and take scoping comments at public meetings in September 1997. See SUPPLEMENTARY INFORMATION for specific dates and times. Written scoping comments may be submitted until September 15, 1997.

ADDRESSES: The Council will discuss and take scoping comments at public meetings in Massachusetts, Maine, Rhode Island, and New Jersey. See SUPPLEMENTARY INFORMATION for specific locations. Written comments and requests for copies of the scoping

document and other information can be obtained from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906, Telephone (617) 231–0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, (617) 231–0422.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic herring fishery is currently managed as one stock along the East Coast from Maine to Cape Hatteras although there is evidence to suggest there are two separate biological stocks. Generally, the resource has been divided into an inshore Gulf of Maine (GOM) and an offshore Georges Bank (GB) component. The most recent stock assessment (1995) concluded that the abundance of the coastal stock complex is currently at a record high level of 3.6 million metric tons (mt), while the most recent estimate of spawning stock biomass (SSB) is 2.1 million mt. The current level of abundance has generated great interest in new and expanded sectors of the herring fishery, including: (1) Maintaining traditional use patterns in the fishery; (2) increasing the bait fishery; (3) increasing participation in cooperative ventures with foreign vessels (Internal Water Processing (IWP) and Joint Venture Processing (JV)); (4) providing a viable alternative fishery to vessels currently in the groundfish fishery; (5) providing opportunities for increased development of U.S. shore-side processing capacity; (6) interest in participating in the fishery from Pacific Coast fishing operations; (7) maintaining high stock abundance for ecological reasons (i.e., maintaining a forage base for base for other species); and (8) providing opportunities for modernization and improvement of the existing East coast vessels to be able to compete in supplying human food export markets.

These potentially competing interests have generated different views on how the herring fishery should be managed in the future. Additionally, the interest in rapid expansion of the fishery has raised concerns about potential overharvest, locally or on the entire stock. In the late 1960s and the early 1970s, excessive foreign fishing led to the collapse of the GB stock. The stock has collapsed a number of times in the past due to over harvesting. There is currently great concern over the condition of the GOM component of the herring population but existing data are insufficient to separate individual

components such as the GOM into distinct stocks.

Current interest in expanding the fishery, from many sectors, has raised the issues of: (1) Appropriate harvest levels overall and by sub-unit; (2) appropriate end uses of herring (food, meal, roe, and bait); (3) appropriate expansions in the fishery (IWP, JV, and use of large factory trawlers); and (4) how to best cooperate with Canadian herring interests.

Current management

The Commission FMP

The goal of the current Herring FMP is to: "manage Atlantic herring as an interjurisdictional resource in U.S. Atlantic coast waters for sustained optimum utilization while conserving the resource through complimentary management between the New England and Mid-Atlantic Fishery Management Councils, the U.S. Atlantic coastal states, and Canada in a manner which will provide the greatest benefit to the nation."

To accomplish this goal, the Commission FMP identifies the following eight management objectives:

- (1) Maintain the herring resource at or above 20 percent of its maximum spawning potential, while reducing the risk of stock collapse;
- (2) promote U.S./Canada cooperation to improve herring stock assessments and establish complementary management practices;
- (3) promote research, improve data collection, and improve assessment procedures;
- (4) provide adequate protection for spawning herring, prevent damage to egg beds;
- (5) avoid patterns of fishing mortality by age which are inconsistent with the goal;
- (6) establish complementary management throughout the species range;
- (7) promote utilization of the resource which maximizes social and economic benefits to the nation; and
- (8) promote recovery of herring on GB and control development of the fishery.

The current Commission FMP imposes no restrictions on domestic fishing or processing activities and because there is not yet a Federal FMP, it does not permit joint venture fishing or processing activities involving foreign owned vessels in federal waters.

Preliminary Management Plan (PMP)

In 1995 a Preliminary Management Plan (PMP) was prepared by NMFS, in cooperation with the Commission and the Council. The purpose of the PMP

was to allow joint venture operations for herring in the EEZ. The allocation of fish for joint ventures must take into account current harvesting levels of herring by the domestic, IWP, and Canadian sectors.

Proposed contents of the new Commission FMP Amendment/Federal FMP

A. Additional management objectives
The Council and Commission are considering the following management objectives:

- (1) Achieve, on a continuing basis, optimum yield (OY) for the United States fishing industry and to prevent overfishing of the Atlantic sea herring resource;
- (2) prevent the overfishing of discrete stock units consistent with the national standards;
- (3) provide opportunities for fishermen and vessels displaced by fishing restrictions in other fisheries in the northeast;
- (4) implement management measures in close coordination with other federal and state FMPs;
- (5) take into account the viability of current participants in the fishery;
- (6) provide for the orderly development of the offshore fishery;
- (7) maximize shore-side utilization and value-added product; and
- (8) achieve full utilization from the catch of herring (minimize the waste from discards in the fishery);

B. Overfishing, OY, and corresponding stock size levels

To achieve the management objectives, the FMP will contain the following:

- (1) An overfishing definition;
- (2) An estimate of maximum sustainable yield (MSY) and maximum level of fishing mortality which would produce MSY in the long run;
- (3) An MSY control rule - a hypothetical harvest strategy which would produce long-term catch approximating MSY;
- (4) An estimate of the MSY stock size - the long-term average size of the stock that would be achieved under an MSY control rule in which the fishing mortality rate is constant;
- (5) Stock status determination criteria which would allow the Council and the Commission to determine whether the herring resource is overfished or whether overfishing is occurring;
- (6) A specification of OY;
- (7) Total Allowable Catch (TAC) levels for appropriate stock areas;
- (8) Fishery sector allocations including JV and IWP allocations;
- (9) Estimates of U.S. harvesting and processing capacity; and

(10) Data reporting requirements for permit holders and processors.

C. Management unit

The management unit for this FMP is defined as the Atlantic herring resource throughout the range of the species within U.S. waters of the northwest Atlantic Ocean from the shoreline to the seaward boundary of the EEZ. This definition is consistent with recent stock assessments which treated the entire resource in U.S. waters of the northwest Atlantic as a single stock. It is also recognized that the herring resource, as defined here, is a transboundary one and that effective assessment and management can be enhanced through cooperative efforts with Canadian scientists and managers.

D. Catch control measures

To ensure the achievement of OY and to prevent overfishing, the Council and the Commission will consider a range of alternatives for limiting the potential catch of herring. Management measures would be consistent throughout the range of the species to the extent practicable. There may, however, be different measures by region if justified.

(1) Target Total Allowable Catch (TAC) levels with effort controls. The Council and the Commission could restrict fishing levels through the following measures to achieve target TACs: (a) Limited entry; (b) closed seasons; (c) closed areas; (d) limits on the amount of fishing time (days-at-sea limits); (e) gear controls including vessel size limits and horsepower restrictions; (f) trip limits; (g) minimum sizes for adults, juveniles or both; and (h) a prohibition on the harvest of herring primarily for the production of fish meal.

(2) Catch quotas. The FMP could close the fishery when target TACs are reached through the following types of quotas: (a) Fleet quota (options include allocating quota annually, seasonally, by vessel category, etc.); (b) vessel catch limits; (c) management area quotas; and (d) sector quotas.

E. Potential habitat protection and stock enhancement measures

(1) Spawning and juvenile protection area closures;

(2) Allowance for predation by other fish and marine mammals;

(3) Gear impact assessments;

(4) Essential fish habitat description and recommendations. NMFS, together with the Council's Habitat PDT, will provide the Council and the ASMFC information about and draft recommendations for the enhancement and protection of the essential fish habitat for herring.

F. Potential bycatch minimization measures

(1) Gear modifications; and

(2) Area closures.

G. Recommendations for future research

(1) Natural mortality (current estimates assume an 18 percent natural mortality rate for herring, including predation by other species); and

(2) Other recommendations.

H. Fishing community considerations

(1) Protection of traditional uses of inshore stocks; and

(2) Description and analysis of impacts on fishing communities.

I. An analysis of the impacts of proposed measures on safety at sea

J. Administrative provisions

(1) A requirement for vessel fishing permits;

(2) A requirement for fishing vessel operator permits;

(3) Dealer permits; and

(4) Requirement to provide end-use information on IWP permits.

K. Data needs

(1) Reporting of landings from stock components;

(2) Mandatory observer coverage; and

(3) Data on end-products and uses.

L. The Commission/Council process for allocating herring among JV and IWP operations

Scoping Process

All persons affected by or otherwise interested in herring fisheries management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see ADDRESSES) or attending one of the scoping hearings. Scope consists of the range of actions, alternatives, and impacts to be considered. Alternatives include not developing a management plan (taking no action), developing amendments to existing plans or other reasonable courses of action. Impacts may be direct, indirect, individual or cumulative. The scoping process also will identify and eliminate from detailed study issues that are not significant. Once a draft management plan and an Environmental Impact Statement or Environmental Assessment is developed, the Council and Commission will hold public hearings to receive comments.

Public Meeting Schedule

The Council will discuss and take scoping comment at public meetings as follows:

(1) September 2, 1:00 p.m., Gloucester House Restaurant, Seven Seas Wharf, Gloucester, MA, (508) 283-1812;

(2) September 3, 1:00 p.m., Maine Dept. of Marine Resources Fisheries Laboratory, 194 McKown Point Road, Boothbay Harbor, ME, (207) 633-9500;

(3) September 9, 1:00 p.m., Holiday Inn, Route 1, South Kingston, RI, (401) 789-1051; and

(4) September 11, 7:00 p.m., Rutgers Marine Advisory Service, Cape May County Extension Office, Dennisville Road, Rt. 657, Cape May Courthouse, NJ, (609) 465-5115.

Additional scoping meetings may be scheduled as needed.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.

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

Dated: August 21, 1997.

George H. Darcy,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 97-22838 Filed 8-26-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 081997A]

License Limitation Program; Public Meetings

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

ACTION: Notice of meetings.

SUMMARY: NMFS announces two meetings to discuss the proposed rule

that would implement Amendments 39, 41, and 5 to the fishery management plans for groundfish off Alaska and crab in and off Alaska (License Limitation Program). The purpose of these meetings is to explain provisions of the proposed rule and to answer questions presented at the meetings by members of the affected fishing industry and other interested parties.

DATES: The meetings are scheduled as follows:

1. September 5, 1997, 1 p.m. to 4 p.m., PDT, Seattle, WA.

2. September 12, 1997, 1 p.m. to 4 p.m., ADT, Anchorage, AK.

ADDRESSES: The meetings will be held at the following locations:

1. Seattle—7600 Sand Point Way, NE, Building 4 (Room 1055, Observer Training Room), Seattle, WA 98115.

2. Anchorage—707 "A" Street (Suite 210), Anchorage, AK 99501.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: These meetings are scheduled by NMFS in response to requests by the affected fishing industry to discuss particular aspects of the License Limitation Program as found in the proposed rule published on August 15, 1997 (62 FR 43866). These meetings will be held while the public comment period for the proposed rule is open; however, these meetings are informative only and will not be used to obtain public comment on the proposed rule. For comments to be considered in the development of the final rule, they must be in writing and received prior to September 29, 1997. Written comments on the proposed rule must be sent to Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

Dated: August 20, 1997.

Gary C. Matlock,

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

[FR Doc. 97-22616 Filed 6-26-97; 8:45 am]

BILLING CODE 3510-22-F