

Dated: June 1, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222, 226, and 227

[I.D. 022398C]

Endangered and Threatened Species; Extension of Comment Periods; and Notice of Public Hearing on Proposed Listing and Proposed Designation of Critical Habitat for West Coast Chinook, Chum, and Sockeye and on Proposed Listing of West Coast Steelhead

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

ACTION: Proposed rule; public hearing and extension of public comment periods.

SUMMARY: NMFS is extending the public comment periods and a public hearing will be held on the proposed listings and designations of critical habitat for west coast chinook (*Oncorhynchus tshawytscha*), sockeye (*Oncorhynchus nerka*), and chum (*Oncorhynchus keta*) salmon and on the proposed listings of west coast steelhead (*Oncorhynchus mykiss*). NMFS has received a request for an additional public hearing to allow further opportunity for the public to participate in the exchange of information and opinion among interested parties and to provide oral and written testimony. NMFS, finding the request reasonable, has scheduled a public hearing and extended the public comment periods to facilitate the reception of public views.

DATES: The meeting date is June 11, 1998, 6:00 p.m. - 9:00 p.m. Written comments on the proposed chinook, sockeye, and chum listing and critical habitat designation and on the proposed steelhead listing must be received by June 30, 1998.

ADDRESSES: The meeting will be held at Cunha Intermediate School, Kelly and Church Streets, Half Moon Bay, CA 94019. Written comments on the proposed chinook rule and requests for reference materials should be sent to Chief, Protected Species Division, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737.

FOR FURTHER INFORMATION CONTACT:

Garth Griffin, (503) 231-2005; Craig Wingert, (562) 980-4021; or Joe Blum, (301) 713-1401. Copies of the **Federal Register** documents cited herein and additional salmon-related materials are available via the Internet at www.nwr.noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On March 9, 1998 (63 FR 11482), NMFS issued a proposed rule to list and designate critical habitat for the California Central Valley, spring-run and the Washington Upper Columbia River, spring-run Evolutionarily Significant Units (ESUs) as endangered and for the Central Valley fall-run, the Southern Oregon and California Coastal, the Puget Sound, the Lower Columbia River, and the Upper Willamette River ESUs as threatened, and to redefine the Snake River fall-run chinook salmon ESU to include fall chinook salmon populations in the Deschutes River, to list this redefined ESU as threatened, and to revise its existing critical habitat under the Endangered Species Act (ESA). That proposal does not affect the current definition and threatened status of the listed Snake River fall chinook salmon ESU.

On March 10, 1998, NMFS published proposed rules listing the Hood Canal summer-run and the Columbia River Chum ESUs as threatened and designating critical habitat (63 FR 11774), listing the Ozette Lake sockeye as threatened and designating critical habitat (63 FR 11750), and listing the Middle Columbia River and the Upper Willamette River ESUs as threatened (63 FR 11798).

Proposed critical habitat for all four species' ESUs is their current freshwater and estuarine range, certain marine areas for chinook, and all waterways, substrate, and adjacent riparian zones below longstanding, impassible, natural barriers.

On April 7, 1998 (63 FR 16955), NMFS announced the schedule for 20 public hearings in the states of Washington, Oregon, Idaho, and California to discuss the chinook, chum, sockeye, and steelhead proposals. On May 18, 1998, NMFS received a request for an additional public hearing for the chinook proposal from the Pacific Coast Federation of Fishermen's Association. The reason given for the request was to allow the many fishermen who could be most effected by the chinook proposed rule and who were participating in the salmon fishery at the time of the public hearings in California the opportunity to comment firsthand with NMFS' officials. NMFS finds that the request

reasonable and has scheduled a public hearing, and extended the public comment period for not only the chinook proposal but also the chum, sockeye, and steelhead proposals.

NMFS is soliciting specific information, comments, data, and/or recommendations on any aspect of the March 9 and 10, 1998, proposals from all interested parties. In particular, NMFS is requesting information or data as described in the **Federal Register** notice announcing the proposed listings and designations of critical habitat (see 63 FR 11482, 63 FR 11774, 63 FR 11750, and 63 FR 11798). This information is considered critical in helping NMFS make final determinations on the proposed listings and proposed designations of critical habitat. NMFS will consider all information, comments, and recommendations received during the comment period or at the public hearings before reaching a final decision.

Dated: May 28, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98-14870 Filed 6-3-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 980519132-8132-01; I.D.022498F]

RIN 0648-AK49

Magnuson-Stevens Act Provisions; List of Fisheries and Gear, and Notification Guidelines

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to establish a list of fisheries and fishing gear used in those fisheries under the authority of each Regional Fishery Management Council (Council), or the Secretary of Commerce (Secretary) for Atlantic highly migratory species. NMFS also proposes guidelines for determining when fishing gear or a fishery is sufficiently different from those listed to require notification of the appropriate authority. The list of fisheries and gear and the guidelines would apply only to fisheries and gear that occur within the

U.S. Exclusive Economic Zone (EEZ). This proposed rule would also provide a process by which fishermen can give notification to the appropriate Council or to the Secretary in order to use a gear that does not appear on the list of allowable gear types or to participate in an unlisted fishery. The proposed list and guidelines are required by the Magnuson-Stevens Fishery and Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act (SFA).

DATES: Comments must be received by July 6, 1998.

ADDRESSES: Comments should be sent to Dr. Gary C. Matlock, Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the collection-of-information requirement contained in this rule should be sent to the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Mark Millikin, NMFS, 301/713-2344.

SUPPLEMENTARY INFORMATION:

Background

This rulemaking is required by the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*), as amended by the SFA, which was signed into law on October 11, 1996. Section 305(a) of the Magnuson-Stevens Act requires that the Secretary of Commerce (Secretary), not later than 18 months after the date of enactment of the SFA, publish in the **Federal Register**, after notice and an opportunity for public comment, a list of fisheries under the authority of each Council and all fishing gear used in such fisheries. This list is to be based on information submitted by the Councils under section 303(a) of the Magnuson-Stevens Act, and for Atlantic highly migratory pelagic fisheries to which section 302(a)(3) applies. In addition, the Magnuson-Stevens Act requires that the Secretary include with such a list guidelines for determining when fishing gear or a fishery is sufficiently different from those listed as to require fishermen or other individuals to notify a Council or the Secretary under section 305(a)(3).

List of Fisheries and Gear

As required by the SFA, the Councils submitted to NMFS a list of fisheries under their authority and the gear types used in each fishery. Fisheries under a Council's authority include those managed through a fishery management plan (FMP) and fisheries occurring within the geographical boundaries of

that Council not managed through an FMP. In addition to these submissions, the List of Fisheries (LOF), as required by the Marine Mammal Protection Act (MMPA) and published on February 4, 1998 (63 FR 5748), was used as an additional source of information to ensure the list of fisheries and gear types was complete. The result is the proposed list of fisheries and allowable gear types for all fisheries within the EEZ.

NMFS is not aware of any Treaty Indian tribe or subsistence fisheries in the EEZ other than those listed in § 600.725(v) of this proposed rule. This action is not intended to supersede or otherwise affect exemptions that exist for subsistence or Native American harvest under Treaty Indian fisheries. However, NMFS is particularly interested in receiving public comment on this topic.

NMFS is considering the possibility that exceptions to the full 90-day waiting period, before using a new gear or participating in a new fishery, may be desirable under certain circumstances. NMFS invites comments on what conditions might warrant such an expedited review and approval of a new gear or fishery.

This rule is not intended to affect experimental fisheries conducted for a year or less elsewhere under Title 50, Chapter VI of the CFR.

NMFS requests comments regarding the completeness and accuracy of the proposed list of gear, definitions, and fisheries that may have been inadvertently left off the proposed list of fisheries and allowable gear. While gear types were included on the list, methods of gear deployment were not. This explains the absence of "gears" such as pelagic longline, jig, troll, bottom trawl, otter trawl, or drift gillnet on the proposed list. For example, "jig" and "troll" are considered deployment methods for hook-and-line gear, rather than gear types. Terms such as "pelagic," "bottom," and "drift" are modifiers that describe where in the water column the specific gear type is used. Also, "hand gear" is included on the list only under fisheries where it is the only allowed method of harvest—the Caribbean Queen Conch FMP and the Coral Reef FMPs in the South Atlantic and the Gulf of Mexico.

Definitions of each gear type were developed to describe and differentiate among gear used in the fisheries. In order to derive these definitions of gear types, existing definitions of gear types were obtained from fishery regulations in Title 50, Chapter VI of the CFR. Various sources were used to obtain general definitions for gear types not

contained in regulations, including staff of the Councils, NMFS, and the Interstate Marine Fishery Commissions. Literature sources and manuals on gear types were also used to obtain gear definitions. The gear definitions are an important aspect of this activity because the definitions will determine the specific allowable gear in each fishery. In addition, the gear definitions have implications for the guidelines when determining if a particular gear type is sufficiently different from those listed so as to require notification under section 305(a) of the Magnuson-Stevens Act. General definitions would be added to section 600.10.

Prohibitions on Use of Unlisted Gear

Listed gear would be allowed to be used only in a manner that is consistent with existing laws or regulations. The list of fisheries and allowable gear would not, in any way, alter or supersede any definitions or regulations contained elsewhere in 50 CFR chapter VI. A person or vessel would be prohibited from engaging in fishing or employing fishing gear when such fishing or gear is prohibited or restricted by regulation under an FMP, as implemented elsewhere in 50 CFR chapter VI, or under other applicable law.

Procedures for Notification of New Gear or Fisheries

Based on comments received on this proposed rule, NMFS will publish a final rule containing the final list of fisheries and gear used in those fisheries. One hundred and eighty days after the publication of the final list of fisheries and gear, no individual or vessel may employ unlisted fishing gear or participate in an unlisted fishery without providing notification of intent to the appropriate Council, or to the Director, Office of Sustainable Fisheries, NMFS (Director), in the case of Atlantic highly migratory species fisheries. Fishermen and vessels may not participate in unlisted fisheries or use unlisted gear for a period of 90 days following notification of the Council or the Director. Required information for adequate notification is listed in section 600.747(c)(3).

Species Other Than Atlantic Highly Migratory Species

After receiving notification regarding intended participation in an unlisted fishery or use of unlisted gear, a Council would begin consideration of the notification and immediately send a copy of the notification to the appropriate NMFS Regional Administrator (RA). If, after

consideration of the notification and accompanying information, a Council found that the new gear or fishery would not compromise the effectiveness of conservation and management efforts under the Magnuson-Stevens Act, it would recommend to the RA that the authorized list of fisheries and gear be amended, provide rationale and supporting analysis, and provide a draft proposed rule to amend the authorized list of fisheries and gear for publication in the **Federal Register**. If the Council found that the proposed new gear or fishery would be detrimental to conservation and management efforts, the Council would recommend to the RA that the authorized list of fisheries and gear not be amended, that a proposed rule not be published, give reasons for its recommendation for a disapproval, and might request NMFS to issue emergency or interim regulations, and begin preparation of an FMP or amendment to an FMP, if appropriate.

Based on the information provided in the notification and by the Council, NMFS would determine if the new gear or fishery would compromise the effectiveness of conservation and management efforts under the Magnuson-Stevens Act and whether to publish the proposed rule to amend the list of fisheries and gear.

If the initial determination were positive, NMFS would publish the proposed rule, with a 30-day comment period. Following the end of the comment period, NMFS would either approve or disapprove the change to the list based on the potential impacts on the effectiveness of conservation and management efforts. If approved, NMFS would publish a final rule revising the list, and notify the applicant of the final approval. If the use of the gear or participation in a fishery were determined to be detrimental to conservation and management efforts under the Magnuson-Stevens Act, the proposed addition to the list would be disapproved, NMFS would notify the applicant and the appropriate Council of the negative determination and the reasons for the determination, and might publish emergency or interim regulations in the **Federal Register** to prohibit or restrict the use of the unlisted gear or fishing in the unlisted fishery. Upon notification by NMFS that the proposed revision had been disapproved, the Council should begin preparation of an FMP or amendment to an FMP in order to provide permanent regulations relative to that gear type or fishery.

If the initial determination by NMFS were negative, because use of the gear or participation in the fishery were

likely to compromise conservation and management efforts under the Magnuson-Stevens Act, and it were unlikely that additional new information would be gained from a public comment period, then NMFS would notify the applicant and the Council of the negative determination and the reasons for that determination, and might publish emergency or interim regulations in the **Federal Register** to prohibit or restrict the use of the unlisted gear or fishing in the unlisted fishery. The Council should then begin preparation of an FMP or an amendment to an FMP to provide permanent regulations relative to that gear type or fishery.

Atlantic Highly Migratory Species

Notification of intent to use an unlisted gear or participate in an unlisted fishery for Atlantic highly migratory species would be addressed to the Director. After receiving such notification, a determination would be made whether the new gear or new fishery would compromise the effectiveness of conservation and management programs and whether to publish a proposed rule to amend the list of gear and fisheries.

If the determination were positive, a proposed rule to amend the list of gear and fisheries would be published in the **Federal Register** for public comment. Following the end of the public comment period, NMFS would consider comments or new information received relative to the effect of the new gear or fishery on conservation and management programs, and would either approve or disapprove the proposed amendment. If approved, the applicant would be notified, and a final rule would be published amending the list of fisheries and gear. If after receiving public comment, NMFS disapproved the proposed amendment, the applicant would be notified of the disapproval, including reasons for the disapproval, and NMFS might publish emergency or interim regulations and subsequently develop or amend the FMP to prohibit or restrict the use of the unlisted gear or participation in the unlisted fishery.

If the initial determination were negative, NMFS would notify the applicant, including the reasons for the disapproval, and might publish emergency or interim regulations and subsequently develop or amend an FMP to prohibit or restrict the use of the unlisted gear or participation in the unlisted fishery.

Issues or Topics of Special Concern

NMFS specifically encourages comments on this proposed rule regarding the determination of what constitutes a "different" gear or fishery when an individual is attempting to use a new gear or enter a new fishery not on the proposed list of fisheries and gear. NMFS also requests comments regarding the types of information that would be required in the notification that would be submitted to the appropriate authority. The proposed list of gear by fishery under the Councils, or the Secretary in the case of Atlantic highly migratory species, appears at § 600.725.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant impact on a substantial number of small entities. This action does not change the analyses already completed nor the conclusions made under the Regulatory Flexibility Act (RFA) for any gear that can be used in a fishery or gear that is prohibited seasonally, or year round, for any previous rulemakings for fisheries under 50 CFR parts 600, 622, 630, 640, 644, 648, 649, 654, 660, 678, and 679. NMFS' guidelines for preparation of economic analyses to comply with the RFA assume that a "substantial number" of small entities would generally be 20 percent of the total universe of small entities affected by the regulation. A regulation would have a "significant impact" on a substantial number of small entities if any of the following criteria are met: Annual gross revenues are reduced by more than 5 percent, total costs of production are increased by more than 5 percent, compliance costs for small entities are at least 10 percent higher than compliance costs as a percent of sales for large entities, or the action results in a cessation of business operations of 2 percent or more of small entities affected by the action. None of the aforementioned criteria were met by this action. The formalized list of fisheries currently in the EEZ and gears within those fisheries does not change any costs or revenues for members of the fishing industry. The new procedure that will be required before a fisherman may participate in a new fishery or employ a new gear in an existing fishery will affect only that small group of

individuals (about 20 per year) having to comply with the notification procedure because of reporting requirements associated with it. As a result, a regulatory flexibility analysis was not prepared for this action. Any future rule prohibiting or restricting use of gear or prosecution of a fishery will be analyzed in accordance with the RFA.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). This collection-of-information requirement has been submitted to OMB for approval. Public reporting burden for this collection of information is estimated to average 1 hour per response for Council notification of entry into a new fishery or use of a new gear in a current fishery, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS and OMB (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: May 27, 1998.

Rolland A. Schmitt,
Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 600 is proposed to be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. and 16 U.S.C. 1801 *et seq.*

2. In § 600.10, the definition for “trawl” is revised and new definitions for “allowable chemical,” “bandit gear,” “barrier net,” “bully net,” “buoy gear,” “dip net,” “dredge,” “handline,” “hoop net,” “lampara net,” “longline,” “pair trawl,” “powerhead,” “purse seine,” “rod and reel,” “seine,” “slurp gun,” “snare,” “spear,” “tangle net dredge,” “trammel net,” and “trap,” are added in alphabetical order to read as follows:

§ 600.10 Definitions.

Allowable chemical means a substance, generally used to immobilize marine life so it can be captured alive, that, when introduced into the water, does not take Gulf and South Atlantic prohibited coral and is allowed by Florida for the harvest of tropical fish.

Bandit gear means vertical hook and line gear with rods that are attached to the vessel when in use. Lines are retrieved by manual, electric, or hydraulic reels.

Barrier net means a small-mesh net used to capture coral reef fishes.

Bully net means a circular frame attached at right angles to a pole and supporting a conical bag of webbing.

Buoy gear means fishing gear consisting of a float and one or more weighted lines suspended therefrom, generally long enough to reach the bottom. A hook or hooks are on the lines at or near the end. The float and line(s) drift freely and are retrieved periodically to remove catch and rebait hooks.

Dip net means a small mesh bag, sometimes attached to a handle, shaped and framed in various ways. It is operated by hand or partially by mechanical power to capture the fish by a scooping motion.

Dredge means a gear consisting of a mouth frame attached to a holding bag constructed of metal rings or mesh.

Handline means fishing gear that is set and pulled by hand and consists of one vertical line to which may be attached leader lines with hooks.

Hoop net means a frame, circular or otherwise, supporting a shallow bag of webbing and suspended by a line and bridles.

Lampara net means a surround net with the sections of netting made and joined to create bagging. It is hauled with purse rings.

Longline means a line that is deployed horizontally and to which gangions and hooks or pots are attached. Longlines can be stationary, anchored, or buoyed lines that may be hauled manually, electrically, or hydraulically.

Pair trawl means a cone or funnel-shaped net that is towed through the water by two boats simultaneously.

Powerhead means any device with an explosive charge, usually attached to a spear gun, spear, pole, or stick, that may or may not fire a projectile upon contact.

Purse seine means a floated and weighted encircling net that is closed by means of a drawstring threaded through rings attached to the bottom of the net.

Rod and reel means a hand-held (including rod holder) fishing rod with a manually or electrically operated reel attached.

Seine means a net with a small conical bag and long narrow wings, that is rigged with floats and weights.

Slurp gun means tube-shaped suction device that operates somewhat like a syringe by sucking up the fish into a holding bag.

Snare means a device consisting of a pole to which is attached a line forming at its end a loop with a running knot that tightens around the fish when the line is pulled.

Spear means a sharp, pointed, or barbed instrument on a shaft. Spears can be operated manually or shot from a gun or sling.

Tangle net dredge means dredge gear consisting of weights and flimsy netting that hangs loosely in order to immediately entangle fish.

Trammel net means a net consisting of two or more panels of netting, suspended vertically in the water column by a common float line and a

common weight line. One panel of netting has a larger mesh size than the other(s) in order to entrap fish in a pocket.

* * * * *

Trap means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats. Also called a pot.

Trawl means a cone or funnel-shaped net that is towed through the water.

* * * * *

3. In § 600.725, paragraph (v) is added to read as follows:

§ 600.725 General prohibitions.

* * * * *

(v) The use of any gear or participation in a fishery not on the following list of authorized fisheries and gear is prohibited after [date 180 days after the date of publication of the final rule]. Listed gear can only be used in a manner that is consistent with existing laws or regulations. The list of fisheries and allowable gear does not, in any way, alter or supersede any definitions or regulations contained elsewhere in this chapter. A person or vessel is prohibited from engaging in fishing or employing fishing gear when such fishing or gear is prohibited or restricted by regulation

under an FMP or under other applicable law. However, after [date 180 days after the date of publication of the final rule], an individual fisherman may notify the appropriate Council, or the Assistant Administrator in the case of Atlantic highly migratory species, of the intent to use a gear or participate in a fishery not already on this list. Ninety days after such notification, the individual may use the gear or participate in that fishery unless regulatory action is taken to prohibit the use of the gear or participate in the fishery (e.g., through emergency or interim regulations). The list of authorized fisheries and gear is as follows:

Fishery	Allowable gear types
New England Fishery Management Council (NEFMC)	
Atlantic Sea Scallops Fishery Management Plan FMP:	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
Atlantic Salmon FMP	No harvest/possession in the EEZ.
Northeast (NE) Multispecies FMP:	
A. NE Multispecies Sink Gillnet	A. Gillnet.
B. North Atlantic bottom trawl	B. Trawl.
C. Groundfish hook and line	C. Longline, handline.
D. Mixed species trap/pot	D. Trap/pot.
E. Dredge fishery	E. Dredge.
F. Seine fishery	F. Seine.
G. Recreational fishery	G. Rod and reel, handline, spear.
American Lobster FMP:	
A. Lobster pot/trap	A. Pot, trap.
B. North Atlantic bottom trawl	B. Trawl.
C. Coastal/inshore gillnet	C. Gillnet.
D. Dredge fishery	D. Dredge.
E. Recreational fishery	E. Pot, trap.
Atlantic Herring Preliminary Fishery Management Plan:	
A. Coastal herring trawl	A. Trawl.
B. Atlantic herring purse seine	B. Purse seine.
C. Coastal/inshore gillnet	C. Gillnet.
D. Herring pair trawl fishery	D. Pair trawl.
E. Recreational fishery	E. Hook and line.
Dogfish Fishery (Non-FMP):	
A. Gillnet fishery	A. Gillnet.
B. Trawl fishery	B. Trawl.
Atlantic Bluefish (FMP managed by MAFMC):	
A. Pelagic longline/hook and line	A. Longline, handline.
B. Seine fishery	B. Purse seine, seine.
C. Mixed species pot/trap fishery	C. Pot, trap.
D. Bluefish, croaker, flounder trawl	D. Trawl.
E. Pelagic drift gillnet fishery	E. Gillnet.
F. Dredge fishery	F. Dredge.
G. Recreational fishery	G. Rod and reel, handline, trap, pot.
Atlantic Mackerel, Squid and Butterfish Fishery (FMP managed by the MAFMC):	
A. Mackerel, squid, butterfish trawl	A. Trawl.
B. Pelagic drift gillnet	B. Gillnet.
C. Pelagic longline/hook and line	C. Longline, handline.
D. Purse seine fishery	D. Purse seine.
E. Mixed species pot/trap fishery	E. Pot, trap.
F. Dredge fishery	F. Dredge.
G. Recreational fishery	G. Rod and reel, handline, pot.
Atlantic Menhaden Purse Seine (Non-FMP)	Purse seine.
Atlantic Halibut Fishery (Non-FMP)	Longline.
Weakfish Fishery (Non-FMP):	
A. Commercial fishery	A. Trawl, gillnet, hook and line.
B. Recreational fishery	B. Hook and line.
Atlantic Mussel/Sea Urchin Dredge Fishery (Non-FMP)	Dredge.
Atlantic Skate Fishery:	
A. Trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.

Fishery	Allowable gear types
Crab Fishery (Non-FMP)	Pot.
Northern Shrimp Fishery:	
A. Shrimp trawl fishery	A. Trawl.
B. Shrimp pot fishery	B. Pot.
Monkfish Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.
Summer Flounder, Scup, Black Sea Bass Fishery (FMP managed by MAFMC):	
A. Bluefish, croaker, flounder trawl	A. Trawl.
B. Pelagic longline/hook and line	B. Longline, handline.
C. Mixed species pot/trap fishery	C. Pot, trap.
D. Pelagic drift gillnet fishery	D. Gillnet.
E. Recreational fishery	E. Rod and reel, handline, pot, trap.

Mid-Atlantic Fishery Management Council (MAFMC)

Summer Flounder, Scup, Black Sea Bass FMP:	
A. Bluefish, croaker, flounder trawl	A. Trawl.
B. Pelagic longline/hook and line	B. Longline, handline.
C. Mixed species pot/trap fishery	C. Pot, trap.
D. Pelagic drift gillnet fishery	D. Gillnet.
E. Recreational fishery	E. Rod and reel, handline, pot, trap.
Atlantic Bluefish FMP:	
A. Bluefish, Croaker, Flounder trawl	A. Trawl.
B. Pelagic longline/hook and	B. Longline, handline.
C. Mixed species pot/trap fishery	C. Pot, trap.
D. Pelagic drift gillnet fishery	D. Gillnet.
E. Seine fishery	E. Purse seine, seine.
F. Dredge fishery	F. Dredge.
G. Recreational fishery	G. Rod and reel, handline, trap, pot.
Atlantic Mackerel, Squid, and Butterfish FMP:	
A. Mackerel, Squid, Butterfish trawl	A. Trawl.
B. Pelagic drift gillnet	B. Gillnet.
C. Pelagic longline/hook and	C. Longline, handline.
D. Purse seine fishery	D. Purse seine.
E. Mixed species pot/trap fishery	E. Pot, trap.
F. Dredge fishery	F. Dredge.
G. Recreational fishery	G. Rod and reel, handline, pot.
Surf Clam/Ocean Quahog FMP	Dredge.
Atlantic Sea Scallop Fishery (FMP managed by NEFMC):	
A. Dredge fishery	A. Dredge.
B. Trawl fishery	B. Trawl.
Atlantic Menhaden Purse Seine Fishery (Non-FMP)	Purse seine.
Northern Shrimp Trawl (Non-FMP)	Trawl.
American Lobster Fishery (FMP managed by NEFMC)	Pot, trap.
Weakfish fishery (Non-FMP):	
A. Commercial fishery	A. Trawl, gillnet, hook and line.
B. Recreational fishery	B. Hook and line.
Mixed Species Trawl (Non-FMP)	Trawl.
Whelk Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Pot/trap fishery	B. Pot/trap.
Monkfish Trawl (Non-FMP)	Trawl.
Coastal Gillnet Fishery (Non-FMP)	Gillnet.
Recreational Fishery (Non-FMP)	Rod and reel, handline.

South Atlantic Fishery Management Council

Golden Crab FMP	Trap.
Atlantic Red Drum FMP	No harvest/possession in EEZ.
Coral and Coral Reef FMP:	
A. Octocoral commercial fishery	Hand harvest only.
B. Live rock aquaculture	Hand harvest only.
C. Octocoral recreational fishery	Hand harvest only.
South Atlantic Shrimp FMP	Trawl.
South Atlantic Snapper-Grouper FMP:	
A. Commercial fishery	A. Longline, rod and reel, bandit gear, handline, spear.
B. Black sea bass trap/pot	B. Pot, trap.
C. Wreckfish fishery	C. Rod and reel, bandit gear, handline.
D. Recreational fishery	D. Handline, rod and reel, pot, trap, bandit gear, slurp gun, spear, powerhead.
South Atlantic Spiny Lobster FMP:	
A. Commercial fishery	A. Trap, pot, dip net, bully net, snare.

Fishery	Allowable gear types
B. Recreational fishery	B. Trap, pot, dip net, bully net, snare.
South Atlantic Coastal Migratory Pelagics FMP:	
A. Commercial Spanish mackerel fishery	A. Handline, rod and reel, bandit gear, gillnet, cast net.
B. Commercial King mackerel fishery	B. Handline, rod and reel, bandit gear.
C. Other commercial coastal migratory pelagics	C. Longline, handline, rod and reel, bandit gear.
D. Recreational fishery	D. Bandit gear, rod and reel, handline.
Atlantic Mackerel, Squid, and Butterfish Trawl (Non-FMP).	Trawl.
Weakfish Fishery (Non-FMP):	
A. Commercial fishery	A. Trawl, gillnet, hook and line.
B. Recreational fishery	B. Hook and line.
Whelk Trawl Fishery (non-FMP)	Trawl.
Marine Life Aquarium Fishery (Non-FMP)	Dip net, slurp gun, barrier net, allowable chemical.
Calico Scallops Trawl (non-FMP)	Trawl.
Bluefish, Croaker, Flounder Trawl (Non-FMP)	Trawl.
Recreational Fishery (Non-FMP)	Handline, bandit gear, rod and reel.

Gulf of Mexico Fishery Management Council

Gulf of Mexico Red Drum FMP	No harvest/possession in EEZ.
Coral Reef FMP:	
A. Commercial fishery	A. Hand harvest only.
B. Recreational fishery	B. Hand harvest only.
Gulf of Mexico Reef Fish FMP:	
A. Snapper-Grouper reef fish longline/hook and line	A. Longline, handline, bandit gear, rod and reel, buoy gear.
B. Pot/trap reef fish	B. Pot, trap.
C. Other commercial fishery	C. Spear, powerhead, cast net, trawl.
D. Recreational fishery	D. Spear, powerhead, bandit gear, handline, rod reel, cast net.
Gulf of Mexico Shrimp FMP:	
A. Gulf of Mexico shrimp trawl	A. Trawl.
B. Recreational fishery	B. Trawl.
Gulf of Mexico Coastal Migratory Pelagics FMP:	
A. Large pelagics longline	A. Longline.
B. King/Spanish mackerel gillnet fishery	B. Gillnet.
C. Pelagic hook and line	C. Bandit gear, handline, rod and reel.
D. Pelagic species purse seine	D. Purse seine.
E. Recreational fishery	E. Bandit gear, handline, rod and reel, spear.
Gulf of Mexico Spiny Lobster FMP:	
A. Spiny lobster pot/trap fishery	A. Trap, pot.
B. Dip net fishery	B. Dip net, bully net, hoop net.
C. Recreational fishery	C. Dip net, bully net, pot, trap, snare.
Stone Crab FMP:	
A. Trap/pot crab fishery	A. Trap, pot.
B. Recreational fishery	B. Trap, pot.
Mullet Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl.
B. Gillnet fishery	B. Gillnet.
C. Pair trawl fishery	C. Pair trawl.
D. Recreational fishery	D. Bandit gear, handline, rod and reel.
Inshore Coastal Gillnet (Non-FMP)	Gillnet.
Golden Crab Fishery (Non-FMP)	Trap.
Octopus Fishery (Non-FMP)	Trap.
Marine Life Aquarium Fishery (Non-FMP)	Dip net, slurp gun, barrier net, allowable chemical.
Coastal Herring Trawl (Non-FMP)	Trawl.
Butterfish Trawl (Non-FMP)	Trawl.
Gulf of Mexico Groundfish (Non-FMP):	
A. Commercial fishery	A. Trawl, purse seine, gillnet.
B. Recreational fishery	B. Hook and line.
Gulf of Mexico Menhaden Purse (Non-FMP)	Purse seine.
Sardine Purse Seine (Non-FMP)	Purse seine.
Recreational fishery (Non-FMP)	Bandit gear, handline, rod and reel, spearfishing gear, bully net, gillnet, dip net, longline powerhead, seine, slurp gun, trap, trawl, harpoon.

Caribbean Fishery Management Council

Caribbean Spiny Lobster FMP:

Fishery	Allowable gear types
A. Trap/pot fishery	A. Trap/pot.
B. Dip net fishery	B. Dip net.
C. Entangling net fishery	C. Gillnet, trammel net.
D. Recreational fishery	D. Dip net, trap, pot, gillnet, trammel net.
Caribbean Shallow Water Reef Fish FMP:	
A. Longline/hook and line fishery	A. Longline, hook and line.
B. Trap/pot fishery	B. Trap, pot.
C. Entangling net fishery	C. Gillnet, trammel net.
D. Recreational fishery	D. Dip net, handline, rod and reel, slurp gun, spear.
Coral and Reef Resources FMP:	
A. Commercial fishery	A. Dip net, slurp gun.
B. Recreational fishery	B. Dip net, slurp gun.
Queen Conch FMP:	
A. Commercial fishery	A. Hand harvest only.
B. Recreational fishery	B. Hand harvest only.
Caribbean Pelagics (Non-FMP):	
A. Pelagics drift gillnet	A. Gillnet.
B. Pelagics longline/hook and line	B. Longline/hook and line.
C. Recreational fishery	C. Spear, handline, longline.

Pacific Fishery Management Council

Washington, Oregon, and California FMP:	
A. Salmon set gillnet fishery	A. Gillnet.
B. Salmon hook and line fishery	B. Hook and line.
C. Trawl fishery	C. Trawl.
D. Recreational fishery	D. Rod and reel.
West Coast Groundfish FMP:	
A. Pacific groundfish trawl	A. Trawl.
B. Set gillnet fishery	B. Gillnet.
C. Groundfish longline/setline	C. Longline.
D. Groundfish handline/hook and line	D. Handline, hook and line.
E. Groundfish pot/trap fishery	E. Pot, trap.
F. Recreational fishery	F. Rod and reel, handline, spear, hook and line.
Northern Anchovy FMP	Purse seine, lampara net.
Angel Shark, White Croaker, California Halibut, White Sea Bass, Pacific Mackerel Large-Mesh Set Net Fishery (Non-FMP)	Gillnet.
Thresher Shark/ Swordfish Drift Gillnet (Non-FMP)	Gillnet.
Pacific Shrimp/Prawn (Non-FMP):	
A. Pot/trap fishery	A. Pot/trap.
B. Trawl fishery	B. Trawl.
Lobster, Rock Crab Pot/Trap Fishery (Non-FMP)	Pot, trap.
Pacific Halibut Longline/Setline (Non-FMP)	Longline.
Shark/Bonito Longline/Setline (Non-FMP)	Longline.
Dungeness Crab Pot/Trap (Non-FMP)	Pot, trap.
Hagfish Trap/Pot Fishery (Non-FMP)	Trap, pot.
Pacific Albacore, Other Tuna Hook and Line Fishery (Non-FMP)	Hook and line.
Pacific Swordfish Harpoon (Non-FMP)	Harpoon.
Pacific Scallop Dredge (Non-FMP)	Dredge.
Pacific Yellowfin, Skipjack, Tuna, Purse Seine (Non-FMP)	Purse seine.
Market Squid Purse Seine, Fishery (Non-FMP)	Purse seine.
Pacific Sardine, Pacific, Mackerel, Pacific Saury, Pacific, Bonito Purse Seine Fishery, (Non-FMP)	Purse seine.
Finfish and Shellfish Live, Trap, Hook and line/Handline (Non-FMP)	Trap, handline, hook and line.
Recreational Fishery	Spear, trap, handline, pot, hook and line, rod and reel.

North Pacific Fishery Management Council

Alaska Scallop FMP	Dredge.
Bering Sea (BS) and Aleutian Islands (AI) King and Tanner Crab FMP:	
A. Alaskan crustacean crab pot	A. Pot
B. Recreational fishery	B. Pot.
BS and AI Groundfish FMP:	
A. Groundfish trawl fishery	A. Trawl.
B. Bottomfish hook and line, handline	B. Hook and line, handline.
C. Longline fishery	C. Longline
D. BS and AI and Gulf of Alaska (GOA) pot/trap fishery	D. Pot, trap.
E. Recreational fishery	E. Handline, rod and reel, hook and line, pot, trap.
Pacific Halibut (Non-FMP):	
A. Pacific halibut handline/hook and line	A. Hook and line, handline.

Fishery	Allowable gear types
B. Pacific halibut longline/ setline	B. Longline.
C. Recreational fishery	C. Handline, rod and reel, hook and line.
Alaska High Seas Salmon FMP:	
A. Alaska salmon hook and line	A. Hook and line.
B. Alaska salmon gillnet fishery	B. Gillnet.
C. Alaska salmon purse seine	C. Purse seine.
D. Recreational fishery	D. Handline, rod and reel, hook and line.
Alaska Pair Trawl (Non-FMP)	Pair trawl.
Alaska Finfish Otter/Beam Trawl (Non-FMP)	Trawl.
Octopus/Squid Purse Seine (Non-FMP)	Purse seine.
Finfish Purse Seine (Non-FMP)	Purse seine.
Octopus/Squid Longline (Non-FMP)	Longline.
Finfish Handline/Hook and Line (Non-FMP)	Handline, hook and line.
Octopus/Squid Handline (Non-FMP)	Handline.
Recreational Fishery (Non-FMP)	Handline, rod and reel, hook line.
Western Pacific Fishery Management Council	
Western Pacific Crustacean FMP:	
A. Lobster/crab/shrimp trap fishery	A. Trap.
B. Crab hoop net fishery	B. Hoop net.
C. Shrimp trawl fishery	C. Trawl.
D. Recreational fishery	D. Hoop net, trap.
Western Pacific Precious Coral FMP Tangle Net Dredge Fishery	Tangle net dredge.
Western Pacific Bottomfish/Seamount Groundfish FMP:	
A. Bottomfish handline fishery	A. Handline.
B. Hook and line/rod and reel	B. Hook and line, rod and reel.
C. Longline fishery	C. Longline.
D. Trap/pot fishery	D. Trap/pot.
E. Spear fishery	E. Spear, powerhead.
F. Recreational fishery	Handline, rod and reel, spear, powerhead, pot, trap, hook and line.
Western Pacific Pelagics FMP:	
A. Swordfish, tuna, billfish Mahi mahi, wahoo, shark longline/setline fishery	A. Longline.
B. Tuna handline/hook and line	B. Handline, hook and line.
C. Pole and line fishery	C. Rod and reel, handline, hook and line.
D. Purse seine fishery	D. Purse seine.
E. Dip net/hoop net fishery	E. Dip net, hoop net.
F. Spear fishery	F. Spear, powerhead.
Gillnet Fishery (Non-FMP)	Gillnet.
Recreational Fishery (Non-FMP)	Rod and reel, handline, hook and line.
Secretary of Commerce	
Atlantic Swordfish FMP:	
A. Hook and line fishery	A. Rod and reel, handline.
B. Longline fishery	B. Longline.
C. Drift gillnet fishery	C. Gillnet.
D. Harpoon fishery	D. Harpoon.
Atlantic Sharks FMP:	
A. Hook and line fishery	A. Rod and reel, handline, bandit gear.
B. Longline fishery	B. Longline.
C. Drift gillnet fishery	C. Gillnet.
D. Harpoon fishery	D. Harpoon.
Atlantic Billfish FMP (Recreational only):	
A. Hook and line fishery	A. Rod and reel, handline, bandit gear.
B. Harpoon fishery	B. Harpoon.
Atlantic Tunas (Non-FMP):	
A. Hook and line fishery	A. Rod and reel, handline, bandit gear.
B. Purse seine fishery	B. Purse seine.
C. Longline fishery	C. Longline.
D. Harpoon fishery	D. Harpoon.
E. Recreational fishery	E. Rod and reel, bandit gear, harpoon, handline.

4. Section 600.747 is added to read as follows:

§ 600.747 Guidelines and procedures for determining new fisheries and gear.

(a) *General.* Section 305(a) of the Magnuson-Stevens Act requires the Secretary to prepare a list of all fisheries under the authority of each Council, or

the Director in the case of Atlantic highly migratory species, and all gear used in such fisheries. This section contains guidelines in paragraph (b) for determining when fishing gear or a fishery is sufficiently different from

those listed in § 600.725(v) as to require notification of a Council or the Director in order to use the gear or participate in the unlisted fishery. This section also contains procedures in paragraph (c) for notification of a Council or the Director of potentially new fisheries or gear, and for amending the list of fisheries and gear.

(b) *Guidelines.* The following guidance establishes the basis for determining when fishing gear or a fishery is sufficiently different from those listed to require notification of the appropriate Council or the Director.

(1) The initial step in the determination of whether a fishing gear or fishery is sufficiently different to require notification is to compare the gear or fishery in question to the list of authorized fisheries and gear in § 600.725(v) and to the existing gear definitions in § 600.10.

(2) If the gear in question falls within the bounds of a definition in § 600.10 for an allowable gear type within that fishery, as listed under section 600.725(v), then the gear is not considered different, is considered allowable gear, and does not require notification of the Council or Secretary 90 days before it can be used in that fishery.

(3) If, for any reason, the gear is not consistent with a gear definition for a listed fishery as described in paragraph (b)(2) of this section, the gear is considered different and requires Council or Secretarial notification as described in paragraph (c) of this section 90 days before it can be used in that fishery.

(4) If a fishery falls within the bounds of the list of authorized fisheries and gear in § 600.725(v) under the Council's or Secretary's authority, then the fishery is not considered different, is considered an allowable fishery and does not require notification of the Council or Director before that fishery can occur.

(5) If a fishery is not already listed in the list of authorized fisheries and gear in § 600.725(v), then the fishery is considered different and requires notification as described in paragraph (c) of this section 90 days before it can occur.

(c) *Procedures.* If a gear or fishery does not appear on the list in § 600.725(v), or if the gear is different from that defined in § 600.10, the process for notification, and consideration by a Council or the Director, is as follows:

(1) *Notification.* After [date 180 days from date of publication in the *Federal Register* of the final rule], no person or vessel may employ fishing gear or

engage in a fishery not included on the list of approved gear types in § 600.725(v) without notifying the appropriate Council or the Director at least 90 days before the intended use of that gear.

(2) *Notification procedures.* (i) A signed return receipt for the notice serves as adequate evidence of the date that the notification was received by the appropriate Council or the Director, in the case of Atlantic highly migratory species, and establishes the beginning of the 90-day notification period, unless required information in the notification is incomplete.

(ii) The notification must include:

(A) Name, address, and telephone number of the person submitting the notification.

(B) Description of the gear.

(C) The fishery or fisheries in which the gear is or will be used.

(D) A diagram and/or photograph of the gear, as well as any specifications and dimensions necessary to define the gear.

(E) The season(s) in which the gear will be fished.

(F) The area(s) in which the gear will be fished.

(G) The anticipated bycatch species associated with the gear, including protected species, such as marine mammals, sea turtles, sea birds, or species listed as endangered or threatened under the ESA.

(H) How the gear will be deployed and fished, including the portions of the marine environment where the gear will be deployed (surface, midwater, and bottom).

(iii) Failure to submit complete and accurate information will result in a delay in beginning the 90-day notification period. The 90-day notification period will not begin until the information received is determined to be accurate and complete.

(3) *Action upon receipt of notification—(i) Species other than Atlantic Highly Migratory Species.* (A) Upon signing a return receipt of the notification by certified mail regarding an unlisted fishery or gear, a Council must immediately begin consideration of the notification and send a copy of the notification to the appropriate Regional Administrator.

(B) If the Council finds that the use of an unlisted gear or participation in a new fishery would not compromise the effectiveness of conservation and management efforts, it shall:

(1) Recommend to the RA that the list be amended;

(2) Provide rationale and supporting analysis, as necessary, for proper

consideration of the proposed amendment; and

(3) Provide a draft proposed rule for notifying the public of the proposed addition, with a request for comment.

(C) If the Council finds that the proposed gear or fishery will be detrimental to conservation and management efforts, it will recommend to the RA that the authorized list of fisheries and gear not be amended, that a proposed rule not be published, give reasons for its recommendation of a disapproval, and may request NMFS to publish emergency or interim regulations, and begin preparation of an FMP or amendment to an FMP, if appropriate.

(D) After considering information in the notification and Council's recommendation, NMFS will decide whether or not to publish a proposed rule. If information on the new gear or fishery being considered indicates it is likely that it will compromise conservation and management efforts under the Magnuson-Stevens Act, and no additional new information is likely to be gained from a public comment period, then a proposed rule will not be published and NMFS will notify the appropriate Council. In such an instance, NMFS will publish emergency or interim regulations to prohibit or restrict use of the gear or participation in the fishery. If NMFS determines that the proposed amendment is not likely to compromise conservation and management efforts under the Magnuson-Stevens Act, NMFS will publish a proposed rule in the **Federal Register** with a request for public comment.

(ii) *Atlantic Highly Migratory Species.* (A) Upon signing a return receipt of the notification by certified mail regarding an unlisted fishery or gear for Atlantic highly migratory species (HMS), NMFS will immediately begin consideration of the notification.

(B) Based on information in the notification and submitted by the Council, NMFS will make a determination whether the use of an unlisted gear or participation in an unlisted HMS fishery will compromise the effectiveness of conservation and management efforts under the Magnuson-Stevens Act. If it is determined that the proposed amendment will not compromise conservation and management efforts, NMFS will publish a proposed rule.

(C) If NMFS finds that the proposed gear or fishery will be detrimental to conservation and management efforts in this initial stage of review, it will not publish a proposed rule and notify the

applicant of the negative determination with the reasons therefore.

(4) *Final determination and publication of a final rule.* Following public comment, NMFS will approve or disapprove the amendment to the list of gear and fisheries.

(i) If approved, NMFS will publish a final rule in the **Federal Register** and notify the applicant and the Council, if appropriate, of the final approval.

(ii) If disapproved, NMFS will withdraw the proposed rule, notify the applicant and the Council, if appropriate, of the disapproval; publish emergency or interim regulations, if necessary, to prohibit or restrict the use of gear or the participation in a fishery; and either notify the Council of the need to amend an FMP or prepare an amendment to an FMP in the case of Atlantic highly migratory species.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 052698C]

Gulf of Mexico Fishery Management Council; Public Hearings

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

ACTION: Notice of public hearings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public hearings on the Draft Essential Fish Habitat (EFH) Generic Amendment to the Fishery Management Plans (FMP) of the Gulf of Mexico. Public meetings on the NMFS draft EFH recommendations will be held following one of the public hearings.

DATES: Written comments on the Council's draft EFH amendment will be accepted through July 17, 1998. Written comments on NMFS' draft EFH recommendation will be accepted through July 15, 1998.

The public hearings will be held in June and July. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the public hearings.

ADDRESSES: Written comments on the draft amendment should be sent to, and copies of the draft amendment are available from, the Council at the following address: Gulf of Mexico

Fishery Management Council, 3018 U.S. Highway 301, North, Suite 1000, Tampa, FL 33619. Copies of the amendment can be obtained by calling (813) 228-2815.

Written comments on the NMFS draft EFH recommendations should be addressed to: Habitat Conservation Division, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, Attn: Draft EFH Recommendation to GMFMC. Copies of the draft recommendations can be obtained by calling (813) 570-5317.

Public hearings will be held in Florida, Louisiana, Mississippi, Alabama, and Texas. See **SUPPLEMENTARY INFORMATION** for locations of the hearings.

FOR FURTHER INFORMATION CONTACT:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228-2815.

SUPPLEMENTARY INFORMATION: The Council will hold public hearings on a draft generic amendment addressing EFH in the Gulf of Mexico; eight public hearings will be held to obtain public comments. The description and identification of EFH is mandated by section 305(b) the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The generic EFH amendment that is the subject of these hearings addresses EFH in all seven of the Council's FMPs. The following is a summary of the amendment:

1. EFH is identified and described based on areas where various life stages of 21 selected managed species and the coral complex commonly occur. The selected species are: Shrimp (brown shrimp, *Penaeus aztecus*; white shrimp, *Penaeus setiferus*; pink shrimp, *Penaeus duorarum*); red drum, *Sciaenops ocellatus*; reef fish (red grouper, *Epinephelus morio*; gag grouper, *Mycteroperca microlepis*; scamp grouper, *Mycteroperca phenax*; red snapper, *Lutjanus campechanus*; gray snapper, *Lutjanus griseus*; yellowtail snapper, *Ocyurus chrysurus*; lane snapper, *Lutjanus synagris*; greater amberjack, *Seriola dumerili*; lesser amberjack, *Seriola fasciata*; tilefish, *Lopholatilus chamaeleonticeps*; and gray triggerfish, *Balistes capricus*), coastal migratory pelagic species (king mackerel, *Scomberomorus cavalla*; Spanish mackerel, *Scomberomorus maculatus*; cobia, *Rachycentron canadum*; and dolphin, *Coryphaena hippurus*), stone crab, *Menippe mercenaria*; spiny lobster, *Panulirus argus*; and the coral complex.

2. The selected species represent about a third of the species under

management by the Council.

Collectively, these species commonly occur throughout all of the marine and estuarine waters of the Gulf of Mexico. EFH for the remaining managed species will be addressed in future FMP amendments, as appropriate.

3. EFH is defined as everywhere that the above managed species commonly occur. Because these species collectively occur in all estuarine and marine habitats of the Gulf of Mexico, EFH is separated into estuarine and marine components. For the estuarine component, EFH includes all estuarine waters and substrates (mud, sand, shell, rock, and associated biological communities), including subtidal vegetation (seagrasses and algae) and adjacent intertidal vegetation (marshes and mangroves). In marine waters of the Gulf of Mexico, EFH includes virtually all marine waters and substrates (mud, sand, shell, rock, and associated biological communities) from the shoreline to the seaward limit of the EEZ.

4. Threats to EFH from fishing and nonfishing activities are identified.

5. Options to conserve and enhance EFH are provided and research needs are identified.

6. No management measures and, therefore, no regulations are proposed at this time. Fishing-related management measures to minimize any identified impacts are deferred to future amendments when the Council has the information necessary to decide if the measures are practicable.

NMFS is in the process of developing an EFH recommendation to the Council in accordance with the 1996 amendments to the Magnuson-Stevens Act. The NMFS draft EFH recommendation to the Council includes a review and comments on the Council's draft EFH amendment. The NMFS draft EFH recommendation to the Council will be available for public distribution June 8, 1998, and will be available at the Council's public hearings. Copies may be requested from the NMFS Habitat Conservation Division (see **ADDRESSES**). Written comments on the NMFS draft EFH recommendation may be sent to the NMFS Habitat Conservation Division (see **ADDRESSES**). NMFS will hold a public meeting on the NMFS draft EFH recommendations immediately following the Council's June 22, 1998, public hearing in Kenner, LA.

Public hearings will be held from 7:00 p.m. to 10:00 p.m. at all of the following locations:

1. Wednesday, June 17, 1998—
Ramada Airport Inn & Conference