

Atlantic Herring FMP that is being developed by the NEFMC. The EFH information for Atlantic Herring will be incorporated by reference into the Atlantic Herring FMP when that FMP is submitted for Secretarial approval. These EFH provisions implement the requirements of section 303(a)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The omnibus amendment describes and identifies EFH for the specified fisheries, discusses measures to address the effects of fishing on EFH, and identifies other actions for the conservation and enhancement of EFH. The amendment includes no new fishery management measures, so no regulations are proposed.

**DATES:** Public comments must be received on or before February 1, 1999.

**ADDRESSES:** Comments on this amendment should be sent to Jon C. Rittgers, Acting Regional Administrator, One Blackburn Drive, Gloucester, MA 01930-2298. Please mark the outside of the envelope: "Comments on Essential Fish Habitat Amendment."

Copies of the amendment and the environmental assessment are available from the Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036.

**FOR FURTHER INFORMATION CONTACT:** Jonathan M. Kurland, Assistant Habitat Program Coordinator, 978-281-9204.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Act requires that each Regional Fishery Management Council submit any FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or FMP amendment, immediately publish a notice in the **Federal Register** that the FMP or amendment is available for public review and comment. Therefore, NMFS solicits comments on the approval, disapproval, or partial approval of these amendments.

The portions of the omnibus EFH amendment that NMFS presently is considering for approval would designate EFH in waters of the United States for 14 species of groundfish, as well as Atlantic sea scallops and Atlantic salmon. The MAFMC has not yet adopted Monkfish Amendment 1. Once adopted, the NEFMC will submit Amendment 1 for Secretarial review and a notice of availability will be published in the **Federal Register**. The omnibus amendment also includes the EFH components of the Atlantic Herring FMP that is being developed by NEFMC.

The EFH information for herring will be incorporated by reference into the Atlantic Herring FMP when that FMP is submitted for Secretarial review and a notice of availability will be published in the **Federal Register**. NMFS will consider approval, disapproval, or partial approval of Amendment 1 to the Monkfish FMP and the EFH components of the Atlantic Herring FMP separately after their submission by the NEFMC, following separate notices of availability.

The omnibus amendment would also designate Habitat Areas of Particular Concern (HAPC) for Atlantic salmon and juvenile Atlantic cod in accordance with 50 CFR 600.815(a)(9). Although no new management measures are proposed for these HAPC, the Atlantic cod HAPC would be protected from potential adverse effects from fishing by maintaining the existing restrictions on fishing for the region known as Closed Area II on Georges Bank, pursuant to 50 CFR 648.81(b). In addition to the original rationale for implementing Closed Area II in 1994 (reducing overfishing of severely depleted groundfish stocks, as noted in the preamble to the emergency interim rule published in the **Federal Register** on December 12, 1994 (59 FR 63926)), under the omnibus amendment these management measures would be retained for habitat protection reasons.

NMFS solicits comments on the approval, disapproval, or partial approval on Amendment 11 to the Northeast Multispecies FMP, Amendment 9 to the Atlantic Sea Scallop FMP, and Amendment 1 to the Atlantic Salmon FMP. To be considered, comments must be received by close of business on February 1, 1999; that does not mean postmarked or otherwise transmitted by that date.

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

Dated: November 24, 1998.

**Bruce C. Morehead,**

*Acting 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. 112498A]

RIN 0648-AL52

### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 11

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

**ACTION:** Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the Pacific Fishery Management Council (Council) has submitted Amendment 11 to the Pacific Coast Groundfish Fishery Management Plan (FMP) for Secretarial review. The amendment was prepared with the intention of bringing the FMP into compliance with provisions of the Sustainable Fisheries Act (SFA) regarding overfishing, bycatch, essential fish habitat, and fishing communities. This action also is intended to improve the types and amounts of scientific information available for use in stock assessments and management of the Pacific coast groundfish fishery.

**DATES:** Comments on Amendment 11 must be received on or before February 1, 1999.

**ADDRESSES:** Comments on Amendment 11 or supporting documents should be sent to William Stelle, Administrator, Northwest Region, NMFS, Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; or to William Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213.

Copies of Amendment 11 and the Environmental Assessment/Regulatory Impact Review are available from Larry Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Ave., Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** Yvonne deReynier at 206-526-6140, Jim Morgan at 562-980-4000, or the Pacific Fishery Management Council at 503-326-6352.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any amendment to an FMP 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 notice in the **Federal Register** that the amendment is available for public review and comment. NMFS will consider the public comments received during the comment period described above in determining whether to approve the amendment for implementation.

The SFA amended the requirements for FMPs in section 303(a) of the Magnuson-Stevens Act. The SFA established a 2-year deadline (October 11, 1998) by which each Regional Fishery Management Council had to submit amendments to NMFS to bring all the FMPs into compliance with the SFA/Magnuson-Stevens Act requirements.

Amendment 11 seeks to make the Pacific Coast Groundfish FMP consistent with the Magnuson-Stevens Act by: amending the FMP framework that defines "optimum yield" for setting annual groundfish harvest limits; setting framework control rules on defining rates of "overfishing" and levels at which managed stocks are considered "overfished;" defining Pacific Coast groundfish essential fish habitat; setting a bycatch management objective and a framework for bycatch reduction measures; establishing a management objective to take the importance of fisheries to fishing communities into account when setting groundfish management measures; providing authority within the FMP for the Council to require groundfish use permits for all groundfish users; authorizing the use of fish for compensation for private vessels conducting NMFS-approved research; removing jack mackerel from the fishery management unit; and updating FMP objectives, definitions and industry descriptions.

Public comments on Amendment 11 must be received by February 1, 1999 to be considered by NMFS in the decision to approve/disapprove Amendment 11. A proposed rule to implement Amendment 11 has been submitted for Secretarial review and approval. NMFS expects to publish and request public comment on proposed regulations to implement Amendment 11 in the near future.

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

Dated: November 25, 1998.

**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 679

[I.D. 111798A]

RIN 0648-AL89

### Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Definitions of Overfishing, Maximum Sustainable Yield, and Optimum Yield for the Crab and Scallop Fisheries

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted for Secretarial review Amendment 7 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands (BSAI crab FMP) and Amendment 6 to the FMP for the Scallop Fishery Off Alaska. These amendments would revise definitions of overfishing, maximum sustainable yield (MSY), and optimum yield (OY) for the crab and scallop fisheries. These actions are necessary to ensure that conservation and management measures continue to be based on the best scientific information available and are intended to advance the Council's ability to achieve, on a continuing basis, the OY from fisheries under its jurisdiction.

**DATES:** Comments on the amendments must be received by February 1, 1999.

**ADDRESSES:** Comments on these amendments should be submitted to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th. Street, Juneau, AK. Copies of Amendment 7 to the BSAI Crab FMP, Amendment 6 to the Scallop FMP, and the Environmental Assessment prepared for each amendment are available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501-2252; telephone 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Harrington, 907-586-7228 or gretchen.harrington@noaa.gov.

**SUPPLEMENTARY INFORMATION:**

## Background

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit each FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or FMP amendment, immediately publish a document announcing that the FMP or FMP amendment is available for public review and comment. This action constitutes such notice for Amendment 7 to the FMP for the Bering Sea/Aleutian Islands King and Tanner Crabs and Amendment 6 to the FMP for the Scallop Fishery Off Alaska. NMFS will consider the public comments received during the comment period in determining whether to approve these FMP amendments.

Section 301 (a) of the Magnuson-Stevens Act establishes national standards for fishery conservation and management, and requires that all FMPs create management measures consistent with those standards. National standard 1 requires that conservation and management measures shall "prevent overfishing while achieving, on a continuing basis, the optimum yield" from fisheries in Federal waters. The Magnuson-Stevens Act, in section 303(a)(10), requires that each FMP specify objective and measurable criteria (status determination criteria) for identifying when stocks or stock complexes covered by the FMP are overfished and for rebuilding overfished stocks. Pursuant to section 301(b) of the Magnuson-Stevens Act, NMFS issued national standard guidelines (50 CFR 600.305) to provide comprehensive guidance for the development of FMPs and FMP amendments that comply with the national standards. The national standard guidelines require that when data are insufficient to estimate any of the determination criteria, the use of reasonable proxies is required.

The guidelines for national standard 1 (50 CFR 600.310) are based on the Magnuson-Stevens Act's definitions of "optimum yield," "overfishing," and "overfished"; the requirement for the establishment of objective and measurable criteria for determining the status of a stock or stock complex; and the requirement for remedial action in the event that overfishing is occurring or that a stock or stock complex is overfished.

The guidelines identify the following components as objective and measurable criteria for determining the