

Mariana mallard and the Guam broadbill not included in this document; and

(2) The location of any individuals or populations of the Mariana mallard and the Guam broadbill.

The final decision on this proposal will take into consideration the comments and any additional information we receive, and such communications may lead to a final determination that differs from this proposal.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we will withhold a respondent's identity from the rulemaking record, as allowable by law. If you wish for us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses available for public inspection in their entirety.

#### Public Hearings

You may request a public hearing on this proposal. Your request for a hearing must be made in writing and filed within 45 days of the date of publication of this proposal in the **Federal Register**. Address your request to the Field Supervisor (see **ADDRESSES** section).

#### Clarity of This regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand including answers to the following: (1) Are the requirements of the rule clear? (2) Is the discussion of the rule in the Supplementary Information section of the preamble helpful to understanding the rule? (3) What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW., Washington, DC 20240. You may also e-mail the comments to this address: [Exsec@ios.doi.gov](mailto:Exsec@ios.doi.gov).

#### National Environmental Policy Act

We have determined that preparation of an environmental assessment or environmental impact statement, as

defined under the authority of the National Environmental Policy Act of 1969, is not necessary when issuing regulations adopted under section 4(a) of the Endangered Species Act of 1973, as amended. We published a notice outlining our reasons for this decision in the **Federal Register** on October 25, 1983 (48 FR 49244).

#### Paperwork Reduction Act

The OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act, require that Federal agencies obtain approval from OMB before collecting information from the public. The OMB regulations at 5 CFR 1320.3(c) define a collection of information as the obtaining of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on ten or more persons. This rule does not include any collections of information that require approval by OMB under the Paperwork Reduction Act.

#### References Cited

A complete list of all references cited herein is available upon request from the Pacific Islands Ecoregion (see **ADDRESSES** section).

#### Authors

The primary authors of this proposed rule are Arlene Pangelinan and Lee Ann Woodward, Ecological Services, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

#### Regulation Promulgation

For the reasons set out in the preamble, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

#### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

#### § 17.11 [Amended]

2. Section 17.11(h) is amended by removing the entries for “Mallard, Mariana” and “Broadbill, Guam” under “BIRDS” from the List of Endangered and Threatened Wildlife.

Dated: July 17, 2001,

**Marshall P. Jones, Jr.,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 02–1876 Filed 1–24–02; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 010302D]

RIN 0648–AL86

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Sustainable Fishery Act Amendment to the Fishery Management Plans of the U.S. Caribbean

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

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

**SUMMARY:** NMFS announces that the Caribbean Fishery Management Council (Council) has submitted a Comprehensive Amendment Addressing Sustainable Fishery Act Definitions and Other Required Provisions of the Magnuson-Stevens Act in the Fishery Management Plans of the U.S. Caribbean (Comprehensive SFA Amendment) for review, approval, and implementation by NMFS. The Comprehensive SFA Amendment would define status determination criteria and overfishing thresholds (e.g., maximum sustainable yield (MSY), optimum yield (OY), minimum stock size threshold (MSST), and maximum fishing mortality threshold (MFMT)) for the species or species complexes under the Council's authority, establish rebuilding plans for three overfished species: queen conch, Nassau grouper, and goliath grouper (formerly known as jewfish), and modify existing or add new framework adjustment procedures to all Caribbean FMPs.

These new and modified framework procedures would allow timely modification/addition of required stock parameters and management measures relating to preventing overfishing and rebuilding overfished stocks. The proposed measures should result in improved management of U.S. Caribbean marine fishery resources.

In addition, the Comprehensive SFA Amendment also would provide descriptions of the U.S. Caribbean

fisheries and fishing communities based on the best information available and recommend future establishment of a socio-economic data collection program and permanent expansion of NMFS' Marine Recreational Fisheries Statistical Survey to include Puerto Rico and the U.S. Virgin Islands to enhance the available information. The comprehensive SFA Amendment would also address bycatch in the fisheries managed under the Council's FMPs and recommend future development of a standardized bycatch reporting program.

**DATES:** Written comments must be received on or before March 26, 2002.

**ADDRESSES:** Written comments on the Comprehensive SFA Amendment should be sent to Peter Eldridge, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727-570-5583. Comments will not be accepted if submitted via e-mail or the Internet.

Requests for copies of the Comprehensive SFA Amendment, which includes a regulatory impact review and an environmental assessment, should be sent to the Caribbean Fishery Management Council, 268 Munoz Rivera Ave., Suite 1108, San Juan, Puerto Rico 00918-1920; e-mail: Caribbean.council@noaa.gov.

**FOR FURTHER INFORMATION CONTACT:**

Peter Eldridge, telephone: 727-570-5305; fax: 727-570-5583; e-mail: Peter.Eldridge@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The Comprehensive SFA Amendment includes Amendment 2 to the FMP for Corals and Reef Associated Plants and Invertebrates, Amendment 1 to the FMP for Queen Conch Resources, Amendment 3 to the FMP for the Reef Fish Fishery, and Amendment 2 to the FMP for the Spiny Lobster Fishery. These FMPs were prepared by the Council, approved by NMFS, and implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622.

Section 303 of the Magnuson-Stevens Act requires, in part, that FMPs provide descriptions of the applicable fisheries and fishing communities; assess the amount and types of bycatch and include management measures that, to the extent practicable, minimize bycatch

and bycatch mortality; specify objective and measurable criteria for identifying when a stock is overfished, i.e., status determination criteria; and rebuild stocks to achieve MSY. The Council developed its Comprehensive SFA Amendment to address these requirements.

The Comprehensive SFA Amendment would define status determination criteria and overfishing thresholds (e.g., maximum sustainable yield (MSY), optimum yield (OY), minimum stock size threshold (MSST), and maximum fishing mortality threshold (MFMT)) for the species or species complexes under the Council's authority, establish rebuilding plans for three overfished species: queen conch, Nassau grouper, and goliath grouper (formerly known as jewfish), and modify existing or add new framework adjustment procedures to all Caribbean FMPs.

Because information on U.S. Caribbean fisheries is sparse and incomplete, the fisheries can be classified as data-poor (among other parameters, biomass and fishing mortality rates are not available for most Caribbean fishery resources). Thus, managers must use biomass-based proxies for the MSY, OY, MFMT, and MSST parameters for the respective fishery resources. Formulae for the derivation of these proxies are presented in the Comprehensive SFA Amendment. In general, the MSY proxies are based on average landings of commercial fisheries for a specified time period. OY must be less than or equal to the MSY proxy. The proxies for MSST are defined either as the greater of  $(1-M) \times B_{msy}$  or  $0.5 \times B_{msy}$  where M is the estimated instantaneous natural mortality rate and B is the estimated spawning biomass. MFMT is considered equal to the estimated M for the respective species or species complex. Values for each proxy, when available, are presented in the Comprehensive SFA Amendment. Assessment information provided in the Comprehensive SFA Amendment reflects conditions in the commercial fisheries. Due to lack of adequate catch and effort data, the status of recreational fisheries is currently unknown.

The NMFS 2000 Report to Congress on the Status of U.S. Fisheries listed Nassau grouper, goliath grouper, and

queen conch as overfished in the U.S. Caribbean. The Comprehensive SFA Amendment would establish rebuilding timeframes for these species.

In addition, the Comprehensive SFA Amendment also would provide descriptions of the U.S. Caribbean fisheries and fishing communities based on the best information available and recommend future establishment of a socio-economic data collection program and permanent expansion of NMFS' Marine Recreational Fisheries Statistical Survey to include Puerto Rico and the U.S. Virgin Islands to enhance the available information. The comprehensive SFA Amendment would also address bycatch in the fisheries managed under the Council's FMPs and recommend future development of standardized bycatch reporting program.

NMFS is requesting comment on the proposed framework procedures, especially concerning any changes that would allow the public to comment more fully on proposed management measures. Also, NMFS invites comment concerning the types of information that should be collected to more precisely describe Caribbean fisheries and fishing communities.

Comments received by March 26, 2002, whether specifically directed to those management measures in the Comprehensive SFA Amendment that would amend the Caribbean FMPs or to the proposed rule that NMFS plans to publish that would implement the Comprehensive SFA Amendment, will be considered by NMFS in its decision to approve, disapprove, or partially approve those measures amending the FMPs. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the Comprehensive SFA Amendment or the proposed rule during their respective comment periods will be addressed in the preamble of the final rule.

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

Dated: January 18, 2002.

**Jonathan Kurland,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 02-1872 Filed 1-24-02; 8:45 am]

**BILLING CODE 3510s-22-S**