

## EXECUTIVE DIRECTOR'S REPORT

### Staff Changes

As I mentioned in April, Steve Davis is leaving the staff in early July to work for LGL Consultants. He has been with us since early 1981 and his experience with knowledge of all the fishery management plans will be impossible to replace. He has been involved in almost every major project the Council has considered. Most recently, Steve has been instrumental in bringing the inshore-offshore and observer fee programs to completion. I'm going to miss him, and I wish him great success in his new job.

I introduced Brent Paine to you in April as our new Bering Sea and Aleutians groundfish coordinator, taking over where Hal Weeks left off. Many of you have gotten to know him better at the Bycatch Committee meetings. Brent will coordinate the bycatch amendment this summer as well as the Bering Sea/Aleutian SAFE for 1992.

Two other individuals have been added to the staff. Regina Stewart is our new Secretary. She has a fine background in computers, word processing, and graphics. She will be the principal administrative support to the Advisory Panel. Regina hails from Houston, Texas, by way of Seattle. I'm very happy to have her onboard.

Also I have hired Russell Harding to fill our economist position. He is from New Zealand and is just completing his doctoral studies there, focusing on the public policy aspects of implementing IFQ systems for their groundfish fisheries. He has extensive hands-on experience working on IFQs for both government and with industry and will be a real asset to the Council as we move ahead with an examination of IFQ systems for groundfish. Dr. Harding will be onboard around August 1.

### Meeting Schedule for 1992-93

As I noted in April, an Anchorage meeting in June is prohibitively expensive, so we looked into holding the spring meeting elsewhere. Sitka is available for the week of June 22, 1992. The Sitka Music Festival will be running then, so we may have to vacate the meeting rooms in the evening, but other than that, Sitka would be a nice place to meet. Juneau is also an alternative.

Unless directed otherwise, I'll make the following meeting arrangements:

	<u>1992</u>	<u>1993</u>
January - 13	Portland	11 Anchorage
April - 20	Anchorage	19 Anchorage
June - 22	Sitka	21 Undecided
September - 21	Anchorage	20 Anchorage
December 7	Anchorage	6 Seattle

## Magnuson Act Changes Implemented

Item B-1(a) is a proposed rule implementing changes to Council operating guidelines as a result of the recent Magnuson Act amendments. They fall into the following categories:

1. Qualification, nomination and appointment of Council members.
2. Consecutive terms of Council members.
3. Council member compensation.
4. Council transaction of business.
5. Committees and panels.
6. Closed meetings.
7. New information.
8. Fishery impact statements.

I've compared the proposed regulations with the Magnuson Act amendments and they all track very closely, if not verbatim. There are several NMFS policy statements of which you should be aware. Concerning Council member qualifications, it now is agency policy to request that each nominee provide a statement of his or her general philosophy on the conservation and management of living marine resources. On Council terms, it is now agency policy to give preference to individuals who have not already served two consecutive terms.

And finally, we need to be aware of the new provision regarding new information from agencies or an advisory body. If the Council receives such information during a meeting, it must give comparable consideration to new information offered at that time by the public and the public must be given a reasonable opportunity to respond to the new data. NOAA-GC will need to clarify whether that means reopening the agenda to public comment or delaying action until the next meeting and providing for public review in between.

Comments on the Federal Register notice are due by July 23.

## Policy on Scope of Environmental Analyses

Dr. Fox has issued the policy at B-1(b) on the scope of required environmental analyses for plan amendments submitted after September 1, 1991. Such analyses will have to consider fishery impacts on species that are protected under the Endangered Species Act and Marine Mammal Protection Act, as well as impacts on non-target fish species (bycatch or other incidental fishing mortality) and fishery habitats.

## Habitat Policy

Item B-1(c) is a letter from the Mid-Atlantic Council requesting support for habitat conservation, funding, program development, and habitat restoration, no overall net loss of wetlands, and increases in the quality and quantity of the nation's wetlands resource base. Please look over the documents attached to that letter and later in the meeting, we can develop our recommendations.

## Marine Recreational Fisheries Action Plan

Item B-1(d) is a final action plan put out by NMFS on recreational marine fisheries. Its effective date was October 19, 1990. They are not seeking comment, so it is here just for your information.

### Council Funding

I have met with the executive directors of the other Councils to review various approaches to splitting up the combined eight-Council funding pie. The approaches range from using the traditional percentages each Council has received, to using formulas that are based in whole or in part on a workload analysis of the Councils by NMFS.

This is all leading up to developing a consensus at the Chairmen's meeting in late January or early February, 1992. The Council needs to start becoming familiar with the options so there will be a Finance Committee meeting later this week on Thursday during lunch. This will be a very preliminary look at the budget options. We'll refine them further this fall.

### Staff Tasking

Last but not least is staff tasking. Item B-1(e) summarizes Council-related projects still on the burner for the staffs of the Council, NMFS and ADF&G. Please keep the list handy as we go through the Council week. Bycatch obviously will be a major new task and the components of a proposed amendment will be considered under agenda item D-2(b). The Council will need to determine by the end of this meeting whether they want to call for groundfish proposals this summer in accordance with our groundfish amendment cycle.

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Lycopodiaceae—Clubmoss family						
<i>Lycopodium marra</i>	wawae'ole	U.S.A. (HI)	E		NA	NA
Primulaceae—Primrose family						
<i>Lysimachia tydatifolia</i>	None	U.S.A. (HI)	E		NA	NA
Rosaceae—Rose family						
<i>Acacia exigua</i>	iliwa	U.S.A. (HI)	E		NA	NA
Rubiaceae—Coffee family						
<i>Mertensia conopsea</i>	k'o'ele	U.S.A. (HI)	E		NA	NA
Rutaceae—Citrus family						
<i>Melicope mucronulata</i>	aiani	U.S.A. (HI)	E		NA	NA
Sapindaceae—Soapberry family						
<i>Alectryon macrococcus</i>	mahoe	U.S.A. (HI)	E		NA	NA

Dated: May 30, 1991.

Richard N. Smith,

Director, Fish and Wildlife Service.

[FR Doc. 91-12302 Filed 5-23-91; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 601 and 605

[Docket No. 910496-1096]

#### Regional Fishery Management Councils; Guidelines for Fishery Management Plans; Guidelines for Council Operations and Administration

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

**SUMMARY:** NOAA proposes to revise the regulations and guidelines governing appointments to, and the operation and administration of, the Regional Fishery Management Councils (Councils) established by the Magnuson Fishery Conservation and Management Act (Magnuson Act) and the preparation of fishery management plans (FMPs) and FMP amendments under the Magnuson Act. These revisions are designed to make the existing regulations and guidelines consistent with the requirements of sections 302 and 303 of the Magnuson Act as amended by sections 108 and 109 of Public Law 101-627. The revisions proposed today, consistent with the Magnuson Act, as

amended, would (1) define Council members' qualifications and strengthen the appointment process; (2) place a limit on the number of consecutive terms Council voting members may serve; (3) adjust Council voting members' pay and provide for reimbursement of actual expenses for Council staff members; (4) require the NMFS Regional Director or designee, serving on a Council, on the final vote on any matter to be transmitted to the Secretary of Commerce (Secretary) by the Council, to submit a written statement of the reason(s) for casting a negative vote; (5) require each Council to have a Fishing Industry Advisory Committee (FIAC); (6) require notification to local newspapers of closed or partially closed Council meetings; (7) provide for consideration of new information from the public when a Council considers new information from a state or Federal agency or from a Council advisory body, and provide for public comment on the new information presented; and (8) require that each FMP or FMP amendment include a Fishery Impact Statement.

**DATES:** Comments must be received on or before July 23, 1991.

**ADDRESSES:** Send comments on this proposed rulemaking to: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** CDR Thomas L. Meyer, NOAA, Office of Fisheries Conservation and

Management, NMFS, telephone (301) 427-2337.

**SUPPLEMENTARY INFORMATION:** Public Law 101-627, the "Fishery Conservation Amendments of 1990," amended and reauthorized the Magnuson Act through September 30, 1993. Section 108 of the Fishery Conservation Amendments amended certain provisions of the Magnuson Act governing the appointment of members to, and the operation and administration of, the eight Regional Fishery Management Councils established by the Magnuson Act. The proposed rule would implement these amendments as follows:

#### (1) Qualification, Nomination and Appointment of Council Members

Proposed revisions to § 601.33 would implement new qualification criteria for appointment to a seat on a Council. The Governors would be responsible for submitting a statement to the Secretary describing how each nominee satisfies the qualifications. The Secretary is required to ensure a fair and balanced apportionment on the Council of active participants in commercial and recreational fisheries. It is agency policy to request that each nominee provide a statement of his or her general philosophy on the conservation and management of living marine resources.

#### (2) Consecutive Terms of Council Members

Proposed revisions to § 601.32 would implement a statutory limit of three consecutive terms for any voting member appointed by the Secretary to

Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203-3507 (703/358-2093 or FTS 921-2093; FAX 703/358-2281).

**Public Comments Solicited**

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to these taxa;

(2) The location of any additional populations of these taxa and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of these taxa; and

(4) Current or planned activities in the subject area and their possible impacts on these taxa.

The final decision on this proposal will take into consideration the comments and any additional information received by the Service, and

such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Field Office Supervisor. (See ADDRESSES section.)

**National Environmental Policy Act**

The Fish and Wildlife Service has determined that an Environmental Assessment or Environmental Impact Statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

**References Cited**

A complete list of all references cited herein is available upon request from the Pacific Islands Field Office. (See ADDRESSES above.)

**Author**

The primary authors of this proposed rule are Joan M. Yoshioka, Z.E. Ellshoff, Joan E. Canfield, and Derral R. Herbst, Fish and Wildlife Enhancement, Pacific

Islands Field Office, U.S. Fish and Wildlife Service, 500 Ala Moana Boulevard, room 6307, P.O. Box 50167 Honolulu, Hawaii 96850 (808/541-2749) or FTS 551-2749).

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

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

**Proposed Regulations Promulgation**

**PART 17—(AMENDED)**

Accordingly, it is hereby proposed to amend part 17, subchapter B of Chapter I, title 50 of the Code of Federal Regulations, as set forth below:

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

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-525, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the families indicated, to the List of Endangered and Threatened Plants:

**§ 17.12 Endangered and threatened plants.**

- • • • •
- (h) • • •

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Asteraceae—Aster family:						
<i>Argyroxiphium sandwicense</i> ssp. <i>macrocephalum</i>	Haleakala silversword, 'ahinahina	U.S.A. (HI)	T		NA	NA
<i>Bidens micrantha</i> ssp. <i>kalealaha</i>	ko'oko'olau	U.S.A. (HI)	E		NA	NA
<i>Lipochaeta kamolensis</i>	nehe	U.S.A. (HI)	E		NA	NA
Campanulaceae—Bellflower family:						
<i>Clematis oblongifolia</i> ssp. <i>mauiensis</i>	'oha wai	U.S.A. (HI)	E		NA	NA
<i>Cyanea lobata</i>	haha	U.S.A. (HI)	E		NA	NA
<i>Cyanea mceldowneyi</i>	haha	U.S.A. (HI)	E		NA	NA
Caryophyllaceae—Pink family:						
<i>Schiedea haleakalensis</i>	None	U.S.A. (HI)	E		NA	NA
Geraniaceae—Geranium family:						
<i>Geranium multiflorum</i>	nohoanu	U.S.A. (HI)	E		NA	NA
Gesneriaceae—Gesneria family:						
<i>Cyrtandra munroi</i>	ha'iwale	U.S.A. (HI)	E		NA	NA

serve on the Council. Any term completed prior to January 1, 1986, does not count in determining the number of consecutive terms served by any Council member. There is no limit on the total number of terms a member may serve. Thus, a Council member appointed by the Secretary could serve three consecutive terms, not serve one year, and then serve three more consecutive terms. This provision is expected to provide the Secretary with more flexibility in appointing qualified individuals to Council membership, thereby advancing the national conservation and management program. To emphasize the need and desire for a greater number of individuals to participate in the management process, it is agency policy to give preference in the selection process to individuals nominated by the Governors who have not already served two consecutive terms.

### (3) Council Member Compensation

Proposed revisions to § 601.39(a) would implement a statutory adjustment of Council members' daily compensation rate after December 31, 1991, to that of a GS-16 when members are engaged in the actual performance of duties as assigned by the Chairman of the Council. The Amendments also provide that Council staff members may be reimbursed for actual expenses. It is agency policy that GS-16 means GS-16 Step 1.

### (4) Council Transaction of Business

Proposed revisions to § 605.24(a)(3)(v) would implement the statutory requirement that on the final vote on any matter to be transmitted to the Secretary by a Council, the NMFS Regional Director or designee, when rendering a negative vote, submit a written statement explaining the reason(s) why. The proposed revision would require the Regional Director or designee to submit a copy of the statement to the Council within 10 working days of the close of the Council meeting. Ten days is believed to be a reasonable period of time for a Regional Director to prepare the required documentation, particularly if a number of negative votes were rendered by that Director, or his or her designee, during a Council meeting. If more than one negative vote is given, each could be explained within the single statement, negating the need for a separate statement for each vote. The proposed revision would require the Council to make the statement available to the public upon request.

A proposed revision to § 605.24(a)(7)(i) would expand the

geographical area in which a Council may meet to include any of the constituent states of the Council. This would allow the Councils to better serve the fishermen who, in some cases, may reside outside the geographical area of a Council, but who may be directly affected by Council decisions.

### (5) Committees and Panels

Proposed revisions to § 605.23(d)(2) would implement the statutory requirement that each Council have a Fishing Industry Advisory Committee (FIAC), describe its responsibilities, and provide for fair representation of commercial fishing interests on the FIAC. Councils that already have equivalent fishing industry panels would not need to establish a FIAC.

### (5) Closed Meetings

Proposed revisions to § 605.24(a)(2) would describe the notification process for closed or partially closed meetings. This provision allows the Council process to continue to be open to the public, but provide for brief closures for the discussion of employment or internal administrative matters.

### (7) New Information

Proposed revisions to § 605.24(a)(3)(i) would require Council consideration of new information from the public when a Council considers new information from a state or Federal agency or from a Council advisory body, and provide for public comment on the new information presented. The provision requires that the Councils give appropriate weight to data submitted by fishermen and processors, and that such data should not be subject to tests more stringent than those applied to data submitted by NMFS or marine fisheries officials from any state.

### (8) Fishery Impact Statement

Section 109 of the Fishery Conservation Amendments amended the requirements of the Magnuson Act applicable to the preparation of FMPs and FMP amendments by requiring the Councils to include in each FMP or FMP amendment a Fishery Impact Statement (FIS). The proposed rule would amend § 605.15(b)(1) to implement this requirement. Under the proposed rule, an expanded Regulatory Impact Review (RIR), including assessments of both economic and social impacts on participants, could serve as the FIS.

### Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is not a "major" rule under E.O. 12291 requiring a regulatory

impact analysis. It would revise the regulations and guidelines governing appointments to, and the operation and administrative of, the eight Regional Fishery Management Councils established by the Magnuson Act and the preparation of FMPs and FMP amendments under the Magnuson Act. These revisions concern such matters as appointments, eligibility for consecutive terms, members' pay, and notice of closed meetings, which have no effect on small entities. Other provisions such as requiring the establishment of the FIACs and requiring preparation of FISs would have no direct effect on small entities. These provisions are designed to improve the decisions reached by the Councils. For the same reasons, the General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis was not prepared.

This proposed rule is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 92-10.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

### List of Subjects in 50 CFR Parts 601 and 605

Fisheries, Fishing.

Dated: May 20, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR parts 601 and 605 are proposed to be amended as follows:

### PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

1. The authority citation for part 601 continues to read as follows:

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

2. Section 601.32 is amended by adding new text at the end of the existing text, to read as follows:

#### § 601.32 Terms of Council members.

\* \* \* No member appointed after January 1, 1986, may serve more than three consecutive terms. Any term

completed prior to January 1, 1986, shall not be counted in determining the number of consecutive terms served by any Council member.

3. In § 601.33, paragraphs (c) and (h) are revised to read as follows:

**§ 601.33 Appointments.**

(c) Governors are responsible for nominating only those persons who meet the qualification requirements of the Magnuson Act; they shall provide a statement explaining how each nominee meets the qualification requirements; and they must provide appropriate documentation to the Secretary that each nomination was made in consultation with commercial and recreational fishing interests, and that each nominee who, by reason of his or her occupational or other experience, scientific expertise, or training, is knowledgeable and experienced in one or more of the following ways related to the fishery resources of the geographical area of concern to the Council:

(1) Commercial fishing or the processing or marketing of fish, fish products, or fishing equipment;

(2) Fishing for pleasure, relaxation or consumption, or experience in any business supporting fishing;

(3) Leadership in a state, regional or national organization whose members participate in a fishery in the Council's area of authority;

(4) The management and conservation of natural resources, including interactions with industry, government bodies, academic institutions and public agencies. This includes experience serving as a member of a Council, Advisory Panel, Scientific and Statistical Committee, or Fishing Industry Advisory Committee;

(5) Representing consumers of fish or fish products through participation in local, state, or national organizations, or performing other activities specifically related to the education or protection of the consumer of marine resources; and

(6) Teaching, journalism, writing, consulting, legal practice, or researching matters related to fisheries, fishery management, and marine resource conservation.

(h) The Secretary must ensure a fair and balanced apportionment, on a rotating or other basis, of the active participants (or their representatives) in the commercial and recreational fisheries in the Council's area of authority. Further, the Secretary must take action to ensure, to the extent practicable, that those persons dependent for their livelihood upon the

fisheries within Council jurisdiction are fairly represented as voting members.

4. In § 601.39, paragraph (a) is revised to read as follows:

**§ 601.39 Council member compensation.**

(a) The voting members of each Council who are not employed by the Federal Government or any state or local government (that is, anyone who does not receive compensation from any such government for the period when performing duties as a Council member) shall, until January 1, 1992, receive compensation at the daily rate for a GS-18 in the General Schedule, and after December 31, 1991, at the daily rate for a GS-16 (Step 1) in the General Schedule when engaged in the actual performance of duties as assigned by the Chairman of the Council. Actual performance of duties, for the purposes of compensation, may include travel time.

**PART 605—GUIDELINES FOR COUNCIL OPERATIONS/ ADMINISTRATION**

5. The authority citation for part 605 continues to read as follows:

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

6. In § 605.15, existing paragraphs (b)(2) through (b)(4) are redesignated as paragraphs (b)(3) through (b)(5), respectively, and a new paragraph (b)(2) is added, to read as follows:

**§ 605.15 Establishment of management measures.**

(b) . . .

(2) The Council must prepare a Fishery Impact Statement (FIS) to be included in the FMP or amendment (submitted to or prepared by the Secretary after October 1, 1990). The FIS shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on participants in the fisheries affected by the FMP or amendment, and on participants in the fisheries conducted in adjacent geographical areas under the authority of another Council, after consultation with such Council and representatives of those participants.

7. In § 605.23, the introductory text of paragraph (d) is revised, existing paragraph (d)(2) is redesignated as paragraph (d)(3), and a new paragraph (d)(2) is added, to read as follows:

**§ 605.23 Council organization.**

(d) *Advisory groups.* Each Council must establish a Scientific and Statistical Committee (SSC) and a

Fishing Industry Advisory Committee (FIAC), and may establish such other Advisory Panel (APs) as necessary, appropriate to assist in carrying out its functions. Councils that already have equivalent fishing industry panels do not need to establish a FIAC. Advisory group size is discretionary within the resources budgeted to each Council. Each Council must specify procedures in its Statement of Organization, Practices and Procedures (SOPP) for continuing involvement of its advisory groups in the development of amendments to Fishery Management Plans (FMPs). Procedures for appointing members to these groups should also be specified in the SOPPs.

(2) *Fishing Industry Advisory Committee (FIAC).* The FIAC provides information and recommendations on, and assists in the development of, FMPs and their amendments. Appointments to the FIAC shall be made by each Council in such a manner as to provide fair representation to commercial fishing interests in the geographical area of authority of the Council.

8. In § 605.24, paragraph (a)(2) is revised by adding new text at the end of existing text, paragraph (a)(3)(i) is revised, new paragraph (a)(3)(v) is added, and paragraphs (a)(5)(i) introductory text, (a)(5)(ii), and (a)(7)(i) are revised, to read as follows:

**§ 605.24 Council meetings and hearings.**

(a) . . .

(2) . . . If a meeting or portion of a meeting is closed, the Council concerned shall notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports) of the time and place of the meeting. Notification is not required regarding any brief closure of a portion of a meeting to discuss employment matters or other internal administrative matters.

(3) . . .

(i) All meetings of the Council advisory and working groups must be open, unless closed in accordance with paragraph (a)(5) of this section. Interested persons will be permitted to present oral or written statements regarding the matters on the agenda at regular meetings of the Council, within reasonable limits established by the Chair. At any time when a Council determines it appropriate to consider new information from a state or Federal agency or from a Council advisory body, the Council shall give comparable consideration to new information offered at that time by interested

members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation and management measures. A vote is required for Council approval or amendment of a fishery management plan (including any proposed regulations), a Council finding that an emergency exists involving any fishery, or Council comments to the Secretary on fishery management plans developed by the Secretary.

(v) On the final vote on any matter to be transmitted to the Secretary by a

Council, the Regional Director of the National Marine Fisheries Service serving on the Council, or his or her designee, when rendering a negative vote, shall submit to the Council within 10 working days after adjournment of the Council meeting a statement explaining the reason(s) for the vote. This statement shall remain on file with the Council and copies made available to the public upon request.

- (5) . . . .
- (i) Each Council, SSC, FLAC, and AP:
- (ii) Closed meetings, or portions

thereof, must be announced in the news media.

(7) . . . .

(i) Each Council must conduct its meetings at appropriate times and places in any of the constituent states of the Council. Two or more Councils may hold joint meetings within a constituent state of one of the Councils for the purpose of discussing issues of mutual concern or for the purpose of developing or amending a joint FMP.


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UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 NATIONAL MARINE FISHERIES SERVICE  
 1335 East-West Highway  
 Silver Spring, MD 20910  
 THE DIRECTOR

APR 22 1991

MEMORANDUM FOR: Regional Directors  
 FROM: William W. Fox, Jr.   
 SUBJECT: Scope of Environmental Analyses under NEPA

In the past, NMFS did not have an official policy concerning the scope of the environmental analyses prepared under the National Environmental Policy Act (NEPA) for Fishery Management Plans (FMPs), FMP amendments, and other fishery regulatory actions under the Magnuson Fishery Conservation and Management Act (Magnuson Act). In most cases, the Environmental Impact Statement (EIS) or Environmental Assessment (EA) evaluated only the impacts of the proposed management measures. Only occasionally have EISs or EAs also analyzed the broader impacts of the fishery on the human environment.

The draft Secretarial Fishery Management Plan for Atlantic Ocean Sharks (Shark FMP) and recent management actions concerning the summer flounder fishery surfaced the issue of the scope of the environmental analysis required under NEPA. In those cases, the NEPA documents submitted with the FMP or amendment analyzed the environmental effects of the proposed and alternative management measures, but did not address potentially significant adverse fishery effects on marine mammals and endangered species (e.g., effects of trawl gear on sea turtles in the flounder fishery, the effects of drift gillnets used in the shark fishery on marine mammals or other protected species). NOAA General Counsel released a legal opinion (October 10, 1990) on the scope of analyses required under NEPA and the Endangered Species Act (ESA) for the Shark FMP; it strongly recommended a broader NEPA analysis covering the significant fishery effects. For policy reasons, I agree with that recommendation. In particular, I am concerned about fishery impacts on species that are protected under the ESA and the Marine Mammal Protection Act, as well as impacts on non-target fish species (bycatch or other incidental fishing mortality) and fishery habitats.

It is my policy that the impacts of fishing on the environment generally, and on protected species specifically, will be evaluated in preparing any EIS or EA for an FMP, FMP amendment, or other fishery management actions under the Magnuson Act.

THE ASSISTANT ADMINISTRATOR  
 FOR FISHERIES



Because of limited agency resources, efforts should be concentrated, in the short term, on EISS and EAs related to fisheries with known interactions with protected species. In the long term, it is my goal that all NEPA analyses will be broad in scope and will include an analysis of the impacts of the relevant fishery on the environment. The EISS and EAs prepared for FMPs and FMP amendments submitted after September 1, 1991, will be held to this requirement. Where the broader NEPA analysis has not been undertaken for an existing FMP, it should be undertaken in the next major amendment. If this deadline poses insurmountable problems, I will consider exceptions on a case-by-case basis.

This policy is not intended to be burdensome. The NEPA analysis should concentrate on significant fishery impacts; remote or unlikely environmental impacts of the fishery need not be investigated. Furthermore, considerable information on fishery interactions with protected species is available from the regional offices responsible for protected species or the headquarters Office of Protected Resources.

This policy is consistent with guidance issued October 18, 1990, concerning the scope of ESA Section 7 consultations and reflects my objective of managing our fisheries in an environmentally sound manner.

Please inform the Regional Fishery Management Council(s) in your area of this new policy regarding the NEPA analysis. I will rely on you to see that our future NEPA analyses for Magnuson Act actions meet this expanded scope requirement.

**MID-ATLANTIC FISHERY MANAGEMENT COUNCIL**

Axel B. Carlson, Jr.  
Chairman

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John C. Bryson, P. E.  
Executive Director

Dr. Lee G. Anderson  
Vice Chairman

June 7, 1991

Mr. Donald Collingsworth, Chairman  
North Pacific Fishery Management Council  
605 West Fourth Avenue  
Anchorage, AK 99510

JUN 17 1991

RE: Unified Support for Habitat Recommendations (attachments)  
(1) FY 1992 Wildlife & Fisheries Assessment  
(2) Stemming the Tide (Executive Summary & Recommendations)  
(3) A Resolution to Protect America's Wetlands

Dear Mr. Collingsworth:

I would like to take this opportunity to thank you and your Council for the information forwarded to the Mid-Atlantic Fishery Management Council, which in turn was presented at Stemming the Tide - a National Symposium on Coastal Fish Habitat Conservation. Your valuable contribution of data and information was an integral part of a presentation representing fishery habitat from the perspective of all eight (8) Fishery Management Councils representing our total national habitat effort.

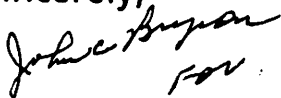
As stated above, the Executive Summary and Recommendations of the National Symposium are attached. Please note that many of the recommendations did in fact come from the information and recommendations which pertain to our general goals and objectives made by each individual Fishery Management Council. In an effort to provide united support from our National Fishery Management Council system, we are asking all Councils to consider supporting the following motion recently passed by the Mid-Atlantic Council:

**I move that the Mid-Atlantic Council go on record supporting the recommendations contained in the Executive Summary of Stemming the Tide, the National Symposium on Coastal Fish Habitat Conservation, that was held in Baltimore during the month of March 1991, and that the recommendations of the April 1991 National Fish & Wildlife Foundation report, especially those recommendations pertaining to habitat conservation, funding, program development, and habitat restoration, and A Resolution to Protect America's Wetlands, especially the last two goals which are to achieve no overall net loss of the nation's remaining wetlands and to increase the quality and quantity of the nation's wetlands resource base.**

In the event you wish to discuss the motion background information, please feel free to contact Dr. Roger Locandro at the above address, or at his office at Cook College/Rutgers University at 201-932-8242. As soon as we hear from each Council, we will forward the information on to NMFS/NOAA. Your Council's input is important to help establish a strong national program to address critical issues related to habitat problems and the continuous negative impact on fishery stocks and our inability to effectively manage marine fisheries under the present system.

If you could fax your return Council action at your earliest convenience, it would be appreciated. Thank you.

Sincerely,



Axel B. Carlson, Jr.  
Chairman

ABC/RRL/j  
attachments

cc: Mr. Jim Chambers, NOAA General Counsel

CHAMBERS

# FY 1992 Wildlife and Fisheries Assessment

U.S. Department of Commerce

# National Marine Fisheries Service

and Selected N.O.A.A. Programs



National  
Fish and Wildlife  
Foundation  
April 1991

## NOAA/National Marine Fisheries Service

### Conservation and Management Operations: Enforcement and Surveillance

#### Alleviate Personnel Shortages.

**Problem:** Inadequate resources to enforce the large number of laws for which NMFS is responsible. Presently, there are 95 agents for 10,000 miles of coastline.

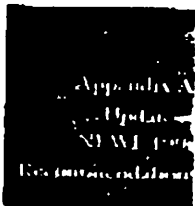
**Report Recommendations:** The Foundation recommended a total of \$5,115,000: \$1.365 million and 22 FTEs to alleviate personnel shortages; \$2,000,000 to create a corps of fishery compliance officers; \$800,000 for miscellaneous operational needs; \$450,000 for TED enforcement; and \$500,000 for the Marine Mammal exemption program.

**Update:** The program received only a slight funding increase in the President's FY 1992 Budget, from \$9,385,000 in FY 1991 to \$9,837,000. Over the past year, the Foundation has concluded that its original recommendation of \$5,115,000 was substantially low: the program needs at least an additional \$4,000,000 simply to maintain its current number of agents, and an added \$11,000,000 to adequately enforce the large number of laws and regulations that are NMFS's responsibility to enforce.

### Conservation and Management Operations: Habitat Conservation

**Problem:** The success of the Habitat Conservation Program hinges on NMFS's effectiveness in screening and analyzing proposed development plans and projects that may adversely affect fish and shellfish habitat. Presently, there are inadequate staff to adequately review all significant projects.

**Report Recommendations:** An increase of \$8,150,000 over the FY 1990 appropriation: \$3,500,000 and 37 FTEs for project review; \$250,000 for information systems; \$3,600,000 for the NMFS-Corps Habitat Restoration Program; \$800,000 for research needs.



## NOAA/National Marine Fisheries Service

### An Update of the Foundation's January, 1990 Needs Assessment

The following are updates of general recommendations:

#### *Agency Leadership.*

Problem: The Foundation found that NMFS lacked the stature it needs, both within the National Oceanic and Atmospheric Administration and its parent agency, the Department of Commerce.

Report Recommendations: Upgrade the Assistant Administrator for Fisheries to Assistant Secretary for Biological Resources within NOAA.

Update: This recommendation has not been pursued, but the Foundation believes that NMFS gained a strong leader with the appointment of Dr. William Fox. In its FY 1992 recommendations, the Foundation makes recommendations that certain NOAA programs pay greater attention to living marine resources, either by increased coordination with NMFS, or by increasing the proportion of funding allocated to the agency.

\* In addition, the Foundation recommends that the Habitat Conservation Program be separated from the Protected Species Program and be elevated to equal status with the Protected Species Program Office within NMFS. With a strong leader as the office director, the Habitat Conservation Program would establish direct authority for habitat research and conservation projects. Regional habitat program leaders working with the office director would be the first line of authority at the regional level and would ensure the on-the-ground implementation of program goals. Moreover, the Foundation believes that NOAA should consider appointing a habitat program coordinator, within the Office of the Chief Scientist, who would be responsible for directing and coordinating the myriad habitat programs of NOAA.

## Appendix A: Update of NFWF 1990 Recommendations

Update: Funding for the Habitat Conservation Program was \$5,547,000 in FY 1991, a slight increase over the FY 1990 level of \$5,369,000. The President's FY 1992 Budget proposes \$5,669,000 for the program, a slight increase. The Foundation recommends an increase of \$13,700,000 over the FY 1991 appropriation: \$5,600,000 for habitat protection; \$3,600,000 for the NMFS-Corps Habitat Restoration Program; and \$4,500,000 for a Restoration Center.

### Conservation and Management Operations: Protected Resources

Problem: Inadequate status surveys, research, listing and recovery for protected resources.

Report Recommendations: The Foundation recommended a large number of individual projects: \$12,000 for marine mammal survey; \$100,000 for marine mammal status review; \$910,000 for Northern Fur Seal research; \$250,000 for Stellar Sea Lion research; \$9,200,000 for the exemptions program; \$200,000 for stranding networks; \$325,000 for listing; \$200,000 for consultation; \$260,000 for general recovery; \$371,000 for Monk Seal Recovery; and \$100,000 for state grants.

Update: For FY 1992, the Foundation's recommendations are more programmatic, with less emphasis on individual projects. The Foundation recommends a total of \$2,000,000 over the FY 1992 President's Budget: \$1,000,000 over the \$1,000,000 included in the FY 1992 President's Budget for candidate listing and status review; \$500,000 for the Marine Mammal Tissue Bank; and \$500,000 over the \$184,000 included in the FY 1992 President's Budget for Recovery Plan implementation.

Appendix A  
Update of  
NFWF 1990  
Recommendations



**STEMMING THE TIDE**  
**CONSERVATION OF COASTAL FISH HABITAT**  
**IN THE UNITED STATES**

**Summary of a National Symposium**  
**on Coastal Fish Habitat Conservation,**  
**Baltimore, Maryland**  
**March 7-9, 1991**

**Compiled by**  
**Carl Safina, PhD**

**Ken Hinman,**  
**Project Director**

R. Locandro. MAFMC

## EXECUTIVE SUMMARY

Fish habitat is anywhere that fish are found, and it's disappearing everywhere fish are found. The coastal habitat of marine fish - from deep ocean dwellers to anadromous species that swim far upstream to spawn - extends from hundreds of miles inland to the continental shelf. Key habitat types include coastal rivers, bays, wetlands, mangrove forests, seagrass meadows and coral reefs. Different species require these different habitats at different stages of their lives. But all species of marine fish depend on properly functioning habitat, of a quantity and quality that will sustain their growth, reproduction and survival.

The common perception that coastal habitats, such as wetlands, are wastelands, awaiting conversion to a higher social and economic use, is patently false. They *already are* fulfilling a higher use, free of charge. Coastal wetlands, for instance, maintain nearshore water quality, control shoreline erosion, and provide economic opportunities and enhanced quality of life to commercial and recreational fishermen, hunters, boaters, outdoors enthusiasts and consumers of seafood and other fish products; that is, virtually every man, woman and child in the United States. Over 75% of the U.S. fish catch is made up of species that are dependent on tidal wetlands. The annual economic value of fish dependent upon estuarine habitats is about \$14 billion, according to the National Marine Fisheries Service (NMFS).

Without good habitat management, managing fisheries to maximize social and economic benefits to the nation is not only more difficult and more expensive, but ultimately doomed to failure. In the mid 1980s, NMFS estimated that ongoing wetland losses alone were costing the U.S. fishing industry \$208 million a year. Extensive losses of coastal habitats have occurred most acutely in the southeastern U.S., where commercial fish and shellfish landings have declined a staggering 42% since 1982. It's the same story in every area of the coast. Populations of virtually all estuarine-dependent fish species consumed by people are now the lowest that they have ever been.

The Symposium on Coastal Fish Habitat Conservation, held March 7-9, 1991 in Baltimore, Maryland, examined the rising tide of habitat loss. The inescapable conclusion -- the increasing loss of fish habitat, to pollution, unwise development and other human activities, is the single largest long-term threat to the future viability of the marine fisheries of the United States.

Habitat loss is occurring in spite of an impressive array of regulatory, management and fiscal policies intended to conserve fisheries and their habitat. Unquestionably, when it comes to protecting coastal fish habitat, the nation is not doing enough, and it's not doing it right. Managing fisheries without adequate protection of the habitat that supports fish populations is futile. Consequently, there is an urgent need to:

- (1) Adopt and implement a clear national habitat conservation policy;
- (2) Broaden and strengthen existing environmental statutes to address the whole range of human activities that threaten wetlands and other key habitats;
- (3) Give fishery managers increased authority and adequate means to protect the habitat of fisheries under management;
- (4) Increase funding for habitat conservation and research programs;
- (5) Amend fishery laws to feature tougher habitat conservation provisions;
- (6) Streamline the federal bureaucracy and improve coordination among federal and state government agencies; and
- (7) Place greater emphasis on enhancing public awareness of habitat issues.

### The Rising Tide of Habitat Loss

Major threats to fish habitat are as follows:

- Generally, coastal habitat is disappearing in direct proportion to human population density. Growth in coastal areas averages four times the national rate. Over the next several decades, 54% of the U.S. population will live within 50 miles of the coast. The heaviest human development is occurring and will continue to occur in coastal areas where the estuarine dependency of fishes is greatest.

- By the mid 1970s, over half our salt marshes and mangroves, some of the most productive lands anywhere, had been destroyed. California has already lost over 90% of its coastal wetlands. Louisiana has the highest rate of wetland loss in the nation, over 25,000 acres, or 40 square miles, annually. The U.S. Army Corps of Engineers estimates that, at present rates of loss, the Gulf of Mexico shoreline will retreat inland by as much as 33 miles in some areas in the next 50 years. With continued regional wetland loss and degradation, precipitous declines in the Gulf's fisheries may be anticipated.

- Chemical pollutants (pesticides, herbicides, PCBs, oil, trace metals, etc.) are becoming so ubiquitous in coastal waters that they must be considered along with other limiting factors to fish abundance, such as temperature, salinity and oxygen levels. Toxic substances affect spawning behavior, survival of juvenile fish, and the incidence of tumors and deformities. Contaminants also threaten human health. The ten coastal areas at highest risk from pesticide contamination are Albemarle Sound (NC), Chesapeake Bay, Laguna Madre (CA), Pamlico Sound (NC), Winyah Bay, Delaware Bay, Cape Fear River (NC), the Hudson-Raritan estuary (NY/NJ), St. John's River (FL) and Puget Sound (WA), in that order.

• Nutrient pollution affects virtually every estuary subject to moderate human activity. In Chesapeake Bay nutrients from sewage treatment plant effluent, agricultural runoff and atmospheric deposition drastically altered the estuary between 1950 and 1980, causing massive increases in algae growth and water turbidity which led to the loss of 90% of the native bay grasses. An additional 3 million people projected for this area in the next 30 years promises to exacerbate this problem.

• Since the late 1960s, more than 100 dams have eliminated 80-100% of the migration and spawning areas of several important species of fish - salmon, shad, striped bass and others - in the San Francisco Bay ecosystem. Human activities have eliminated Atlantic salmon from most of their U.S. spawning streams and continue to hinder restoration efforts. Dams block many hundreds of miles of historic anadromous fish spawning rivers in the Chesapeake Bay system, including 350 mainstem miles of the Atlantic coast's largest river, the Susquehanna.

• Estuarine nursery areas are dying of thirst due to excessive freshwater diversions from incoming rivers. Freshwater inflow controls the biological productivity of estuaries. Diversion of more than about 30% of normal freshwater flows into estuaries results in increased salinity, decreased nutrients, increased pollutant exposure due to reduced flushing, destruction of migration routes and spawning areas for fishes, and contamination of freshwater sources for human use. Water diversions and dams have devastated California's salmon-supporting habitats. Spawning has been completely eliminated from some Pacific coast rivers; only a fraction is left of the great salmon and steelhead runs of the Columbia River basin. The Snake River run of coho salmon has apparently become extinct.

• The annual dumping of billions of pounds of trash into the oceans was considered merely an aesthetic problem until the mid 1970s. But by the early 1980s, it was recognized that thousands of marine animals, including endangered mammals and sea turtles, seabirds and fishes, were becoming entangled and killed in manmade items.

### Stemming the Tide - A Summary of Recommendations

(1) Implement a clear national policy on habitat conservation. The Administration and Congress must exert the leadership necessary to make protection of our remaining wetlands and other critical fishery habitat a higher national priority. Habitat conservation must be elevated to the highest level within each department and agency, including the Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and particularly the National Marine Fisheries Service within the National Oceanic and Atmospheric Administration (NOAA). Congress must stand solidly behind agencies charged with stewardship for living resources so that they may effectively carry out the habitat protection laws Congress has enacted, by giving them the political and fiscal support they need to do their jobs. The President's avowed Policy

of No Net Loss of Wetlands must be implemented from the top down by incorporating it into the programs of all federal agencies with habitat responsibility. The concept of no-net-loss should be only the short-term goal of national policy; the long-term objective must be a net gain of wetlands to restore what has already been lost.

(2) Strengthen the Clean Water Act and other environmental statutes.  
Congress should enact a stronger Clean Water Act by making no-net-loss of wetlands an expressed goal of the statute, closing loopholes in the wetlands permitting system, and expanding it to include activities not presently covered by the Act. Maximum funding for full implementation should be provided.

(a) Only about 20% of the activities affecting wetlands are covered by the Section 404 dredge and fill permit provision of the Act. Permit requirements cover only the discharge of dredged or fill material. Chemical contamination, flooding, removal of vegetation, construction of pilings, or excavation do not require a permit. Nor does shutting off the flow of freshwater vital to wetland maintenance. In addition, the Corps of Engineers has issued 26 nationwide General Permits and numerous regional ones allowing wetlands alterations with limited public scrutiny.

The 404 program should be extended to cover all activities that could degrade high value wetlands, including agriculture and silviculture. The definition of a wetland in the Wetlands Delineation Manual must be based on biology, not politics. The Act should require states to develop wetland protection plans. It must better control the flow of point and non-point sources of toxic and other pollutants into fish habitat. General permits must be re-examined and in some cases eliminated. The Act should be amended to clearly state that no-net-loss is a short-term goal and net restoration is the long-term goal, as explicitly recommended by the National Wetlands Policy Forum.

(b) Full implementation and enforcement of the erosion control and wetland management provisions of the 1990 Farm Act are needed to protect, restore and enhance aquatic habitats. Because agricultural activities are responsible for degrading water quality and wetlands throughout the U.S., wetland protection provisions of the Clean Water Act and the Farm Act should be consistent.

(c) Water project management and water allocation policy must be altered in a way that protects and improves freshwater flows to fishery-supporting habitats. Freshwater inflows should be secured at or restored to levels approximating their normal (natural) flows in order to maintain the production values of estuaries. Federal subsidies for water diversions which adversely affect fisheries productivity must be eliminated.

(3) Create high level habitat program leadership in NMFS/NOAA, with increased regulatory authority. Habitat conservation should be elevated in stature to provide effective program leadership, by establishing within the National Marine Fisheries Service an Office of Habitat Conservation. Its Director must have full authority over the conduct of the agency's National Habitat Conservation Program, including both research and management components throughout the agency's field structure. Moreover, NOAA should create a Habitat Program Director, reporting to the NOAA Administrator, to provide policy direction and coordinate NOAA's many habitat-related programs. Other NOAA elements dealing in habitat-related areas should directly support the NMFS Habitat Program's involvement in federal and state decision-making processes. Whether by administrative or legislative action, NMFS should be given regulatory authority over projects that could severely damage fishery-supporting habitat. The agency should be authorized to require that all federal actions be consistent with the objectives of approved fishery resource management plans.

(4) Increase funding for federal habitat programs. Protection of habitat is the cheapest investment the nation can make to sustain productive fisheries. But funding for protecting fishery-supporting habitat is chronically insufficient and unstable. NMFS is the only federal agency whose habitat-related funding has not increased over the past decade. In terms of buying power, its funds have actually been cut in half, while the need for NMFS' involvement has grown dramatically with increased coastal habitat degradation. Under-staffed and under-funded, NMFS is unable to fulfill its essential habitat conservation and stewardship mission. Roughly 10,000 development projects are proposed each year, potentially affecting well over 400,000 acres of important habitat. NMFS biologists must review an average of 400 projects each, making it impossible for the agency to adequately protect the public interest in habitats. Research, including the critical areas of wetland functions and contaminant effects, is similarly inadequately funded and staffed. Congress should give immediate consideration to appropriating the resources recommended by the National Fish and Wildlife Foundation and published in its "FY 1992 Wildlife and Fisheries Assessment, National Marine Fisheries Service" (April 1991). Congress should also explore developing a self-perpetuating trust fund, outside of the appropriations process, for NMFS habitat programs.

(5) Add tougher habitat provisions to fishery laws. Federal projects and federally-approved projects should be required to be consistent with objectives of the Magnuson Fishery Conservation and Management Act. The Magnuson Act should be amended to include habitat conservation as one of the National Standards for guiding the management of marine fisheries. The Secretary of Commerce should consider knowledge and experience in habitat issues when appointing individuals to serve on the Regional Fishery Management Councils. The 1990 amendment to the Act expanding Council authority over the habitat of anadromous species should be extended to all fisheries.



## NATIONAL COALITION FOR MARINE CONSERVATION

P.O. Box 23298  
SAVANNAH, GEORGIA 31403  
Phone (912) 234-8062

### A RESOLUTION TO PROTECT AMERICA'S WETLANDS

May - "American Wetlands Month" - 1991

WHEREAS, wetlands, the vegetated aquatic ecosystems that include such areas as estuaries, marshes, bogs, and swamps, are widely recognized as some of the most productive natural areas on earth; and

WHEREAS, wetlands provide critical habitat for fish and shellfish, waterfowl and other wildlife; and

WHEREAS, man benefits directly and indirectly from abundant fish and wildlife populations, and also uses wetlands for recreation, erosion control and water quality control; and

WHEREAS, we've only just begun to understand and appreciate the irreplaceable ecological value of wetlands; and

WHEREAS, wetlands have long been misunderstood and abused, allowing these productive areas to be drained, filled, channeled and polluted; and

WHEREAS, we have already destroyed more than half the 200 million acres of wetlands our forefathers found when they settled the lower 48 states; and

WHEREAS, this historical loss has greatly diminished the quantity and quality of the benefits wetlands provide, and continued loss and degradation of wetlands threatens sharp declines in fisheries and wildlife populations in the future, with severe social and economic losses to the nation;

THEREFORE, BE IT RESOLVED, that the National Coalition For Marine Conservation declares May 1991 to be American Wetlands Month.

FURTHER, we resolve to support the two goals of the National Wetlands Policy Forum, namely: 1) to achieve no overall net loss of the nation's remaining wetlands; and 2) to increase the quality and quantity of the nation's wetlands resource base.

The National Coalition for Marine Conservation is proud to join with other national environmental groups, federal and state governments, and others as a co-sponsor of American Wetlands Month. With this resolution, we profess our commitment to wetlands protection. By declaring May 1991 a month to celebrate America's irreplaceable wetlands, we draw attention to the value of wetlands, as

wetlands, as habitat for a wide variety of fish and wildlife and the foundation of our coastal fisheries, and urge others to join with us in working to not only stop wetland loss, but actually increase this valuable natural resource.

### National Goals for Wetlands Protection in 1991

President Bush's stated policy of "no net loss of wetlands" was first articulated by the National Wetlands Policy Forum. But what is often overlooked is that "no net loss" is only the short-term goal set by the Forum; a net increase in the nation's wetlands base is our ultimate objective. Either goal, however, will be impossible to achieve unless we increase regulatory and legislative authority to preserve productive wetlands, and this authority is exercised as part of a clear national wetlands protection policy.

How do we do this? The NCMC\* is urging the President to give a clear directive to all appropriate federal agencies that their first priority is to preserve our remaining wetlands. In addition, the National Marine Fisheries Service and U.S. Fish and Wildlife Service, which now only comment on projects impacting wetlands, should be granted the authority to veto projects they determine could severely damage wetlands and other critical fishery habitats.

Congress must strengthen the Clean Water Act when it renews that law this year. The Act's Sec. 404 program, the only federal statute regulating wetlands use, covers only 20% of activities affecting wetlands. It should be broadened to cover all activities that degrade wetlands, including agriculture and silviculture, which have caused an estimated 80% of wetland losses. The granting of broad permits, e.g., allowing wetlands up to 10 acres to be filled with limited public scrutiny, should be eliminated, because their cumulative effect on wetlands amounts to "death by a thousand cuts." The law must be amended to better control the flow of point and non-point sources of toxic and other pollutants into wetlands. Finally, states should be required to develop wetlands protection plans under the Clean Water Act.

We need new federal legislation, modeled after several state initiatives, to withdraw high value wetlands from development, and provide incentives to encourage development away from fragile natural areas. Federal subsidies of any kind for projects that destroy or degrade wetlands should be eliminated.

\*These specific goals are the NCMC's, and may or may not be endorsed by other co-sponsors of "American Wetlands Month."

**What You Can Do.** In addition to supporting these and other efforts by national organizations to strengthen wetlands protection programs, you can: ~ Learn more about wetlands and encourage your government officials and representatives to recognize the special qualities and values of wetlands. ~ Contact your state and federal wetlands protection agencies to find out what laws, programs and projects protect wetlands in your area. ~ Organize people in your community to help protect wetlands. ~ Ask your local newspaper and radio/TV stations to do stories on wetlands protection. For more information, call the WETLANDS HOTLINE 1-800-832-7828.



## Standards

- LM-9-88 IES approved method for Electrical and Photometric measurements of fluorescent lamps
- LM-16-84 Practical guide to colorimetry of light sources
- LM-20-83 Photometric testing of reflector type lamps
- LM-28-89 Selection, care and use of electrical instruments in the photometric lab
- LM-40-97 IES approved method for life performance testing of fluorescent lamps
- LM-47-87 IES approved method for life testing of HID lamps
- LM-49-88 IES approved method for life testing of general lighting incandescent filament lamps
- LM-51-84 Photometric testing of HID lamps
- LM-54-84 IES guide to lamp seasoning
- LM-59-83 Electrical and photometric measurements of LPS lamps
- ANSI-C39.6-83 Electrical instrumentation-digital measuring instruments
- ANSI-C78.1-84 Dimensional and electrical characteristics of fluorescent lamps rapid start types
- ANSI-C78.1a-84 Dimensional and electrical characteristics of fluorescent lamps rapid start types
- ANSI-C78.1b-86 Dimensional and electrical characteristics of fluorescent lamps rapid start types
- ANSI-C78.1c-85 Dimensional and electrical characteristics of fluorescent lamps rapid start types
- ANSI-C78.1d-88 Dimensional and electrical characteristics of fluorescent lamps rapid start types
- ANSI-C78.2-84 Dimensional and electrical characteristics of fluorescent lamps preheat start types
- ANSI-C78.2a-88 Dimensional and electrical characteristics of fluorescent lamps preheat start types
- ANSI-C78.2b-89 Dimensional and electrical characteristics of fluorescent lamps preheat start types
- ANSI-C78.3-84 Dimensional and electrical characteristics of fluorescent lamps instant start and cold cathode types
- ANSI-C78.3a-85 Dimensional and electrical characteristics of fluorescent lamps instant start and cold cathode types
- ANSI-C78.40-85 Specifications for mercury lamps
- ANSI-C78.41-87 Low pressure sodium lamps
- ANSI-C78.260-85 Specifications for tubular tungsten-halogen lamps
- ANSI-C78.375-84 Guide for electrical measurements of fluorescent lamps
- ANSI-C78.379-83 Incandescent and HID reflector lamps-classification of beam patterns

- ANSI-C78.386-89 Mercury lamps-methods of measuring characteristics
- ANSI-C78.387-87 Methods of measurement of metal-halide-lamp characteristics
- ANSI-C78.388-84 High pressure sodium lamps-methods of measuring characteristics
- ANSI-C78.1350-90 400-watt s51 high pressure sodium lamps
- ANSI-C78.1351-89 250-watt 100 volt self ballasted mercury lamps
- ANSI-C78.1352-90 1000-watt s52 high pressure sodium lamps
- ANSI-C78.1353-90 70-watt s62 high pressure sodium lamps
- ANSI-C78.1354-90 100-watt s54 high pressure sodium lamps
- ANSI-C78.1355-89 150-watt 55-volt s55 high pressure sodium lamps
- ANSI-C78.1356-88 150-watt 100-volt s56 high pressure sodium lamps
- ANSI-C78.1358-88 35-watt s76 single-ended high pressure sodium lamps
- ANSI-C78.1359-88 50-watt s68 single-ended high pressure sodium lamps
- ANSI-C78.1375-90 400-watt m59 metal halide lamps
- ANSI-C78.1376-84 1000-watt M47 metal halide lamps
- ANSI-C78.1377-87 Draft-175w m57 metal halide lamps
- ANSI-C78.1378-90 Draft 250W m58 single-ended metal-halide lamps
- ANSI-C78.1379-87 Draft-150W m48 metal halide lamps
- ANSI-C78.1381-89 70 watt m85 metal halide lamps

Dated: May 10, 1991.

John W. Lyons,

Director.

[FR Doc. 91-11548 Filed 5-14-91; 8:45 am]

BILLING CODE 3510-13-M

### National Oceanic and Atmospheric Administration

[Docket No. 90776-0329]

#### Marine Recreational Fisheries Action Plan

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of final Marine Recreational Fisheries (MRF) Action Plan.

**SUMMARY:** The final MRF Action Plan updates the implementation of the NMF Policy and is published to inform the public of its content. The Action Plan restates and updates the NMFS MRF Policy and provides for improved implementation of the MRF Policy.

**EFFECTIVE DATE:** October 19, 1990.

**ADDRESSES:** Copies of the NMFS MRF Action Plan are available from Richard

B. Stone, NMFS, Fishery Management Specialist, 1335 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Stone or Alan Dean Parsons, 301 247-2347.

**SUPPLEMENTARY INFORMATION:** In 1981, NMFS adopted a MRF Policy. Although national in scope, the Policy was not implemented consistently throughout the Nation. Each Region, as well as Headquarters, implemented the Policy at its discretion, based on differing perspectives, needs, and priorities. NMFS reformatted the strategy for implementing the Policy in the form of a draft Action Plan published in the *Federal Register* (54 FR 47379; November 14, 1989) to obtain public comment. There were 21 responses, all of which fully supported the draft Action Plan, although several suggested minor changes to various specific parts. Many of these suggested changes were incorporated into the final Action Plan.

The Action Plan addresses the conservation of marine fishery resources as the primary concern. The tremendous growth in the number of recreational fishermen in recent years has placed additional demands on already limited fishery resources. Successful management of these fish stocks requires an in-depth understanding of the impacts recreational fisheries have on these stocks, and adequate data and information on the recreational fisheries. Thus, the Action Plan focuses on increasing understanding of recreational fisheries by improving data gathering capabilities. Additionally, the Action Plan encourages constituent participation in conservation of fishery resources through programs such as angler ethics.

Dr. William W. Fox, Jr., Assistant Administrator for Fisheries, approved the draft Action Plan on October 19, 1990. The Action Plan restates and updates the NMFS MRF Policy, establishes program goals and objectives, and identifies specific actions to be taken, to the extent that support and funds are available, to improve the implementation of the 1981 Policy. The Action Plan will allow more attention to national MRF priorities while maintaining sufficient flexibility to tailor regional programs to local MRF needs.

The Action plan has been developed in accordance with the NMFS' Strategic Plan. It is especially supportive of the first three goals of the Strategic Plan. The final MRF Action, Plan, as approved, is as follows:

## National Marine Fisheries Service Marine Recreational Fisheries Action Plan

### I. Introduction

Marine recreational fishing (MRF) continues to grow in popularity, not only as a highly regarded form of recreation but also as a means of obtaining high protein food. According to a 1985 Gallup Poll, recreational fishing is the second most popular outdoor recreational activity in America, and as such, contributes nearly \$30 billion to the Nation's economy. Since 1980, the value of marine recreational fishing has grown from \$7.5 billion to \$13.5 billion (including multiplier effects) in 1985. The number of saltwater fishermen has increased from about 5 million in 1955 to 17 million in 1985, but has not increased substantially since then.

In recognition of the growing importance of MRF, National Marine Fisheries Service (NMFS) adopted a marine recreational fisheries policy and implementation strategy in 1981. Each Region, as well as headquarters, proceeded to implement the policy at its own discretion based on the differing perspectives, needs, and priorities of the various geographic areas. Thus, the policy was not implemented consistently or with the same degree of intensity throughout the Nation.

Recently, the NMFS, in partnership with other Federal agencies, state, and tribal governments, and representatives from private constituency groups and industry, participated in the development of a National Recreational Fisheries Policy. Actions to implement the goals and objectives of the NMFS Action Plan are consistent with those set forth by the National Policy.

The MRF industry and constituency have matured over the last several years, becoming better organized nationally, more involved in fishery issues, and increasingly committed to making fisheries conservation their primary concern. As a result, it is timely for NMFS to reformulate its implementation strategy to achieve more consistent attention to national priorities while maintaining sufficient flexibility to tailor regional programs to local needs. This approach is essential for effective interaction with MRF interests and for consistent treatment of priority MRF issues and problems.

Perhaps of greatest concern is the need for healthy fisheries resources. The primary role of Federal and state fishery managers and the Regional Fishery Management Councils is to provide stewardship of the Nation's fisheries resources. NMFS and the constituency have mutually stressed that a stronger

conservation ethic, endorsed by the public as well as the government, is necessary to protect fishery resources and the habitats upon which they are dependent. Fisheries and their habitats must be recognized as national assets that, if effectively conserved and managed, can generate enormous economic, social, and aesthetic benefits indefinitely.

The purpose of this document is to identify ways for NMFS to help improve stewardship of marine fisheries resources overall, and to serve better MRF constituencies. However, it is recognized that development of an MRF Action Plan will not by itself necessarily result in progress. A strong commitment to pursue plan implementation aggressively for the long-term as well as the short-term is essential. There must be identifiable and measurable activities to provide accountability and to allow constituent and program partners (states, commissions, councils, etc.) to monitor and participate in program activities.

Accordingly, this Action Plan restates NMFS' MRF policy, provides guiding principles for policy implementation, establishes NMFS' MRF program goals and objectives, and identifies specific actions to update and improve implementation of the MRF policy.

### II. Restatement of Policy and Guiding Principles

*A. Policy Statement.* The following policy was adopted by NMFS in 1981 after an extensive review of NMFS MRF activities by a marine recreational fisheries task group.

NMFS, through its various programs, will protect, conserve, enhance, manage and develop fishery resources of importance to the nation in order to increase the nation's food supply; promote increased opportunities for both commercial and marine recreational fishermen consistent with the concept of optimum yield; and promote activities which will assist the commercial and marine recreational fishing industries to thrive and expand.

*B. Guiding Principles.* The following guiding principles advance fundamental beliefs and strategies that further clarify NMFS' marine recreational fisheries policy and that guide policy implementation efforts.

#### 1. Marine Recreational Fisheries Program Must Address All Three Components of Recreational Fisheries: the Resource, Users, and Industry

First, with respect to the resources, MRF refers to one or more stocks of fish that can be treated as a unit for purposes of conservation, management, utilization, or development and that can

be identified on the basis of geographical, scientific, technical, economic, or method-of-harvest characteristics. The term "fish" includes finfish, mollusks, crustaceans, and all forms of living marine animals which form the resource base for recreational fishing. Enhancing and maintaining these stocks requires the enhancement and maintenance of water quality and the habitats on which the stocks depend and control of the harvest/catch.

Second, with respect to the users, MRF refers to individuals engaging in marine recreational fishing activity. Fishing is considered recreational when pleasure, amusement, relaxation, or home consumption are the principal motivators. The program must result in an improved understanding of fishermen's needs and the impact of management decisions upon them.

Third, MRF refers to the MRF industry. Interest and participation in marine recreational fishing creates a demand for a wide variety of goods and services that enable fishermen to participate in recreational fishing activities. The private businesses that provide these goods and services are collectively referred to as the MRF industry. These businesses employ thousands of Americans, account for sizeable capital expenditures, and contribute substantially to the Nation's gross national product and overall economic well being. The program should consider how management decisions affect the industry.

#### 2. Marine Recreational Fisheries Contribute Significant Social and Economic Benefits to the Nation

Marine recreational fishing is an increasingly popular outdoor recreational activity that contributes substantially to the social and economic well being of the Nation. Millions of individuals and families participate annually in marine recreational fishing as a relaxing, healthful, wholesome source of recreation and as a way of obtaining high quality protein food. Collectively, the MRF industry translates this recreation activity into a multi-billion dollar contribution to the Nation's economy.

#### 3. Robust Marine Fishery Resources are Requisites for Viable Marine Recreational Fisheries

Marine fisheries are dependent on the maintenance, restoration, and enhancement of marine fish populations and their habitats. NMFS' principal function is to serve as steward of those resources and habitats. Conservation and enhancement of marine fishery

resources shall be accomplished through scientific management intended to achieve optimum yield from each fishery.

*4. Accurate and Timely Information is Crucial to the Conservation, Management, and Development of Marine Recreational Fisheries*

NMFS has an important role in conducting, sponsoring, and otherwise encouraging scientific, statistical, and socioeconomic research and related investigations that provide the basis for conservation and management of marine resources.

*5. Marine Fishery Resources are a National Asset, Which, Through Wise Management, Can be Enhanced and Improved for Future Generations*

NMFS is committed to the mission of rebuilding and conserving marine fishery resources while allowing equitable sharing of those resources among recreational, commercial, and non-consumptive users, such as SCUBA divers, observation boats, etc. NMFS recognizes the biological necessity of regulating total catch within the limits of optimum yield. Accomplishing this management mission requires effective, cooperative partnerships with other Federal agencies, the states, Regional Fishery Management Councils, interstate commissions, and public and private sector interests. NMFS also recognizes the need to pursue aggressively international agreements for the conservation of highly migratory species of fish.

*6. Multiple Uses of Marine Fishery Resources are Recognized and Encouraged*

NMFS recognizes the national benefits resulting from multiple use of marine fishery resources by recreational, commercial, and subsistence fishermen as well as by non-consumptive users. NMFS also supports existing jurisdictional relationships between state and Federal Government resource stewards and the public as appropriate forums for rendering fishery allocation decisions affecting competing resource users.

*7. Authorities, Roles, and Responsibilities of Government and Private Entities in the Conservation and Development of Marine Recreational Fisheries are Recognized*

NMFS will engage in those activities that are the responsibility of Federal Government and will encourage and assist other Federal, state, and local government agencies, the academic community, private interests, and the

public to cooperate and participate in its programs. NMFS will encourage other entities to assume responsibility for MRF programs and services more appropriately theirs, recognizing unified and cooperative partnerships as a goal.

*8. Conserving and Developing Marine Recreational Fisheries is a Shared Responsibility*

As major users and beneficiaries of marine fishery resources, fishermen and the industry must accept their stewardship roles and responsibilities and do their part in funding, promoting and supporting essential marine fisheries research, data collection, management, development, and law enforcement efforts. Angling ethics, resource conservation, and aquatic education should be promoted and practiced through effective government/private partnerships.

**III. Action Plan**

The Action Plan consists of five major sections, each with goals, objectives, and action steps. Consistent and aggressive implementation should enhance NMFS' resource stewardship capabilities. The primary thrust of the Action Plan is best expressed by the first goal. NMFS will focus its major effort on the conservation of fisheries and their habitat, in recognition of the significant benefits the marine resources provide to the nation. Only with the resource on a sound footing can the recreational program be fully successful.

**A. Conservation of Resources**

*Goal:* Conserve, restore, and enhance fishery resources and the habitat on which they depend, recognizing that, if properly conserved and managed, fishery resources can provide substantial economic, social, and aesthetic benefits to the Nation.

A conservation approach needs to be emphasized in resource management as a means to restore and maintain healthy fisheries. NMFS must assert a leadership role in accomplishing this goal, and must secure participation, cooperation, and support of the MRF constituency.

*A.1 Objective:* Develop a stronger linkage between information on the status and condition of stocks and management decisions affecting recreational fisheries.

*A.1a—*Each Research Center should review, evaluate, and, if needed, upgrade its stock assessment capabilities to ensure that assessments are provided for species of recreational importance or potential importance, and for forage species upon which these fish depend.

*A.1b—*Distribute stock assessments, expressed in layman's terms, for key species of recreational importance, or potential importance, to increase general understanding of the status of various stocks.

*A.2 Objective:* Improve fishery management procedures for MRF.

When management of recreational fisheries is necessary, stress the use of fishery management techniques. Traditionally, these techniques have been bag limits, size limits, gear limitations, and other measures to control fishing mortality, that are easily monitored, while permitting continued access to the fishery. Improve MRF input and participation in the fishery management planning process.

*A.3 Objective:* Promote conservation practices among fishermen.

Implement a national angling ethics program, in cooperation with the tackle industry, state fishery management agencies, and the MRF community, emphasizing tag and release, catch and release, expanded use of non-traditional species, regulatory compliance, and other related issues.

*A.4 Objective:* Expand MRF information and education (I&E) programs.

*A.4a—*Establish and maintain Information and Education programs on NMFS research and management activities.

*A.4b—*Develop closer working ties with outdoor writer associations and media to improve flow of information to fishermen.

*A.4c—*Establish working relationships with tournament directors and fishing clubs, to increase their awareness of NMFS resource and management programs, and to promote resource conservation and angling ethics.

*A.4d—*Develop or distribute primers and educational materials on seafood quality, safety issues, conservation, the proper care and handling of catch, use of non-traditional species, and other topics of interest.

*A.5 Objective:* To achieve more effective public adherence to fishery regulations.

*A.5a—*Expand I&E efforts, including brochures on regulations, creation of a "Fishery Conservation Hotline," and greater interaction with conservation editors.

*A.5b—*Increase State/Federal cooperative enforcement seeking cross-deputization and other appropriate means.

*A.5c—*Encourage and assist the states and Federal Government to resolve incompatible or conflicting regulations on species of recreational interest.

*A.8 Objective:* Review current conservation engineering efforts, and expand where appropriate.

*A.6a—*Accelerate commercial and recreational gear research, development, and modification efforts to reduce bycatch and habitat destruction.

*A.6b—*Document applications of artificial reef technology for enhancement of recreational fisheries.

*A.6c—*Increase involvement in artificial reef research planning, management, and development.

#### B. Conservation of Habitat

*Goal:* Conserve and restore habitats critical to the well-being of recreationally important species and supporting ecosystems.

*B.1 Objective:* Identify critical habitat problems that adversely affect species of importance to MRF.

*B.1a—*Review actions affecting species of importance to MRF and with EPA, the states, and local governments, work to establish priorities, and recommend corrective actions for habitat protection and restoration in each Region.

*B.1b—*Work with other government agencies (Federal, state and local) to implement the National Estuarine Program, and other coastal initiatives.

*B.2 Objective:* Increase public awareness of the impacts on fishery resources created by habitat alteration.

*B.2a—*Prepare regional documentaries describing fishery and habitat relationships, unique aspects on habitat, and status and trends on the protection of critical habitats.

*B.2b—*Evaluate plans and provide guidance to other agencies, under authority of the Fish and Wildlife Coordination Act and other statutes, on policies significantly affecting fishery habitats of importance to MRF.

#### C. Research, Data Collection, Data Management, and Information Analysis

*Goal:* To improve NMFS' research, data acquisition, data management, analysis, and dissemination capabilities needed to provide the scientific and management basis for conservation of marine recreational fishery resources.

Social, economic and biological data important to the management of MRF are often missing or sparse, and some existing data do not receive adequate consideration in management decisions. To address this, several steps must be taken.

First, NMFS must work with fishery managers to identify data needs and implement research and statistical programs to fill these needs.

Second, NMFS must make available to fishery managers all existing

biological, social and economic data and ensure its appropriate use.

Third, NMFS must educate and inform marine recreational fishermen and the MRF industry about the objectives of data collection efforts and how this information is being used by resource managers.

Current research and data collection programs should be monitored and reviewed as to their ability to support fishery management and development decisions, including stock assessments, user allocations, quota monitoring, fishery evaluation, and regulatory impact analyses. Timeliness, accuracy, precision, and comparability of data must be carefully assessed and improved when possible.

*C.1 Objective:* Improve planning and coordination of NMFS' research, data collection, and analysis components.

*C.1a—*Consult with National MRF interests (e.g., fishery managers from the state, councils, commissions, Federal, and private sectors) to identify management issues requiring data or information. Work with Federal and state data collectors and recommend actions needed to provide more comprehensive, precise, and timely MRF data for use by state and Federal resource managers.

*C.1b—*Conduct annual research program reviews within each Fishery Center to evaluate ongoing research and recommend program adjustments (e.g., shifts in research emphasis, enhancements, initiatives).

*C.1c—*Conduct regular NMFS/Sea Grant retreats at regional/national level to identify and evaluate cooperative research projects.

*C.1d—*Cooperate with Sea Grant to develop specific strategies for working with Marine Advisory Services in MRF communication/education efforts.

*C.1e—*Establish program coordination with state Wallop-Breaux (W-B) coordinators providing technical assistance, as outlined in the NMFS/USFWS Memorandum of Understanding.

*C.1f—*Enhance an ongoing communication effort to advise managers and MRF constituents of research findings.

*C.1g—*Develop a socioeconomic research plan in each Region to support fishery management programs making sure to address MRF issues.

*C.1h—*Coordinate inclusion of the Marine Recreational Fisheries Statistics Survey (MRFSS) data base into fishery management plans.

*C.1i—*Coordinate with other Federal, state, private, and academic institutions involved with MRF research, data collection, and analysis.

*C.2 Objective:* Improve the effectiveness of MRF data collection, data management, analysis, and dissemination.

*C.2a—*Establish and convene a permanent NMFS MRF data steering committee (made up of Region, Center, and Washington Office representatives) to share information, clarify objectives and recommend actions that will promote the achievement of an efficient and integrated MRF data collection/data management program at Regional and National levels.

*C.2b—*Use state/Federal Cooperative Agreements or contracts to integrate, whenever feasible, state and Federal MRF sampling programs under agreed upon standards to create a consistent nationwide data collection program and to eliminate duplication.

*C.2c—*Determine the appropriate MRFSS sample size nationwide and conduct rate event (e.g., billfish) species surveys as appropriate to improve data used in Federal fishery management decisions.

*C.2d—*Improve the application of social and economic information to support regional research plans developed under *C.1g*.

*C.2e—*Publish and distribute validations of MRF data collection methodologies and data bases to ensure applicability, accessibility, and familiarity.

*C.2f—*Conduct regular seminars and use other forums to inform fishery managers, constituents, the general public, industry, and others of the results, proper use, and limitations of economic and statistical data collection and analysis programs.

*C.2g—*Improve NMFS' analytical capability to interpret and evaluate MRF statistical data and ensure appropriate and timely use of data.

*C.2h—*Regionally, produce and distribute annual summaries, trends, and forecasts of species important to MRF in a timely fashion.

#### D. Industry Services

*Goal:* Expand NMFS' ability to interact effectively and appropriately with and enhance the MRF industry.

The MRF industry is an integral and significant part of the total U.S. fishing industry. It encompasses a broad range of individual businesses that provide a variety of goods and services to marine recreational fishermen both domestic and foreign. NMFS needs to assist the industry within the scope and authority of NMFS' programs.

*D.1 Objective:* Increase understanding of the nature and operation of the MRF industry.

*D.1a*—Development industry profiles including information on various business sectors, size, composition, and operation of charter/headboat fleets, cost and return analysis, entry and exit of businesses/vessels, and other aspects.

*D.1b*—Coordinate with state and other governmental agencies and industries to encourage recreational fisheries tourism.

*D.1c*—Develop capability to interpret and evaluate MRF industry information, including monitoring industry response to management decisions.

*D.2 Objective:* Assist the industry to undertake appropriate research and development activities.

*D.2a*—Help the MRF industry develop a better ability to utilize funding sources (e.g., S-K, MARFIN, Sea Grant, etc.) for research and development projects.

*D.2b*—Establish outreach activities to ensure industry access to vital fisheries research and statistical information.

#### E. Administrative Program Direction

*Goal:* Provide positive support for marine recreational fisheries through effective implementation of the MRF Action Plan.

Previous sections followed program lines, providing goals, objectives, and actions needed to implement more fully the MRF policy. However, achievement of these goals and objectives will require a strong, long-term commitment by NMFS. This commitment must be reflected in planning and budget documents and performance plans. This section provides for these internal actions needed to ensure successful MRF policy and program implementation.

*E.1 Objective:* Establish effective program planning and coordination mechanisms.

*E.1a*—The Washington Office and each Region will develop a detailed strategy document identifying activities, resources, and time tables needed to implement the Action Plan.

*E.1b*—Each Region will utilize a MRF Steering Committee to involve MRF interests in program planning.

*E.1c*—Use forums within interstate commissions, and other state, regional, and national organizations to communicate and coordinate MRF program matters.

*E.2 Objective:* Provide sufficient staffing and support to carry out the Action Plan.

*E.2a*—Provide staff support commensurate in size with the importance (catch, effort, social and economic impact) of MRF in the Regions, growth potential, and the extent of problems.

*E.2b*—Launch and maintain an aggressive public outreach program that includes frequent field meetings with MRF clubs, charter/headboat associations, state and interstate coordination bodies (e.g., Marine Fisheries Commissions, W-B coordinators, outdoor writers associations, etc.) and attendance at regional and national symposia.

*E.3 Objective:* Establish effective mechanisms to monitor and evaluate MRF program accomplishments.

*E.3a*—Washington Office and Regions will use tracking or control systems to monitor and report program progress and make program adjustments.

*E.3b*—The Recreational and Interjurisdictional Fisheries Division will monitor the Action Plan implementation progress and report periodically to an appropriate management level.

*E.3c*—Conduct national and regional MRF program reviews annually.

Dated: March 9, 1991.

Michael F. Tillman

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

[FR Doc. 91-11525 Filed 5-14-91; 8:45 am]

BILLING CODE 3510-22-M

#### Mid-Atlantic Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council and its Committees will hold public meetings on May 28-31, 1991, at the Airport Hilton Hotel, 10th & Packer Avenue, Philadelphia, PA., (telephone: 215-755-9500).

On May 28, the Summer Flounder Advisors will meet from 1 p.m., until 3 p.m. The Shark Subcommittee will also meet from 1 p.m., until 3 p.m. The Demersal Species Committee will meet from 3 p.m., until 4 p.m.

The Council will begin its meeting on May 29 at 8:30 a.m., and adjourn on May 30 at 12 noon. The Council will consider possible management measures for Amendment #2 to the Summer Flounder Fishery Management Plan, and may adopt Amendment #4 to the Atlantic Mackerel, Squid, Butterfish Fishery Management Plan for public hearings. Also, on May 29 the Squid, Mackerel, Butterfish Committee and Habitat Committee will meet in the afternoon after Council session. The Council also may hold a closed session (not open to the public), to discuss personnel and/or national security matters.

On May 30 at 1 p.m., the Coastal Migratory Committee and Atlantic

States Marine Fisheries Commission's Weakfish Board will meet to discuss concerns of the Weakfish Fishery Management Plan. This meeting will resume on May 31.

For more information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: May 9, 1991.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91-11523 Filed 5-14-91; 8:45 am]

BILLING CODE 3510-22-M

#### Western Pacific Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council will hold its 73rd public meeting on May 14-16, 1991, at the Dole Ballrooms, 735 Iwilei Road, Honolulu, HI. Except as noted below, the meetings are open to the public. The Council's Standing Committees will meet on May 14 at 8 a.m.

On May 15 from 8 a.m., until 9 a.m., the Council will hold a closed session (not open to the public) to discuss litigation matters. On May 15 and 16 the Council will meet beginning at 9 a.m. The Council will hear reports from islanders and government fisheries representatives from American Samoa, Guam, Hawaii and the Northern Mariana Islands. The status of Fishery Management Plans (FPMs) covering crustaceans, bottomfish/seamount groundfish, precious corals and pelagics will be discussed. The Council will also discuss and take action, as appropriate, on the following: (1) Status of emergency closure of the lobster fishery; (2) Crustaceans amendment #7 (limited entry and effort reduction); (3) management measures for Main Hawaiian Islands bottomfish; (4) proposed changes in the Northwest Hawaiian Island (NWHI) bottomfish limited entry program; (5) report on enforcement of regulations and the test of a vessel safety system; (6) report on bottomfish observer program; (7) recommendations for black coral management in Hawaii; (8) report on longline permits and logbook data; (9) NWHI longline/monk seal interactions (Amendment #3); (10) longline area closure emergency action in Main Hawaiian Islands (status of emergency action request and refinements

concerning exemption for small vessels, seasonal openings, different size, closures, native rights, etc.); (11) moratorium on new entry into the Hawaii longline fishery (status of emergency action request, report on limited entry permits and actions, discussion of permit ownership, consideration of applying refitting exemption or some variation during the current emergency, extension of emergency action (90 days), reconsideration of exempting vessels that fish outside U.S. waters from landing their fish in Hawaii during the moratorium; (12) experimental fishing permit request for sharks; and (13) other Council business.

The Council will take comments from the public during the Council meeting. The public may also respond in writing to the address listed below.

For more information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 523-1368.

Dated: May 9, 1991.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91-11447 Filed 5-14-91; 8:45 am]

BILLING CODE 3510-22-M

#### Marine Mammals; Issuance of Permit; Dr. James T. Harvey (P368B)

On March 6, 1991, Notice was published in the *Federal Register* (56 FR 9346) that an application had been filed by Dr. James T. Harvey, Assistant Professor, Moss Landing Marine Laboratories, P.O. Box 450, Moss Landing, CA 95039-0450, for a scientific research permit to conduct activities on harbor seals (*Phoca vitulina*).

Notice is hereby given that on May 8, 1991, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

The Permit is available for review by appointment in the following offices:

*By appointment:* Permit Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., Silver Spring, Maryland 20910; and Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731 (213/514-6196).

Dated: May 8, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91-11443 Filed 5-14-91; 8:45 am]

BILLING CODE 3510-22-M

#### National Telecommunications and Information Administration

##### Spectrum Planning Advisory Committee; Recharter

**AGENCY:** National Telecommunications and Information Administration, DOC.

**ACTION:** Notice of recharter for the Spectrum Planning Advisory Committee.

**SUMMARY:** In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. app. 2 and General Services Administration (GSA) interim rule on Federal Advisory Committee Management, 41 CFR part 101-6, as amended, and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the Frequency Management Advisory Council, renamed the Spectrum Planning Advisory Committee, is in the public interest in connection with the performance of duties imposed on the Department by law. Effective April 24, 1991, the Spectrum Planning Advisory Committee has been rechartered.

The Committee was first established on July 19, 1985 as the Frequency Management Advisory Council. It provided advice to the Director of the Office of Telecommunications Policy (OTP), Executive Office of the President, until the functions of that office were transferred to the Department of Commerce, National Telecommunications and Information Administration (NTIA), by Executive Order 12048 of March 27, 1978. Its current charter terminates on April 28, 1991.

In reviewing the need for the Committee, the Secretary has reaffirmed its original purpose of providing advice on radio frequency spectrum allocation and assignment matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Secretary has further affirmed the need for the Committee to advise on strategic spectrum planning issues and increased commercial access to Federal Government spectrum. Research indicates that the Committee's function cannot be accomplished by any organizational element or other committee of the Department.

The Committee has expanded its membership to 19 members, including a balanced representation of 15 non-Federal members, and 4 Federal members, chaired by the Secretary of Commerce or an individual appointed by the Secretary. The Committee will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's current Charter have been filed with appropriate committees of Congress and with the Library of Congress.

**FOR FURTHER INFORMATION CONTACT:** Inquiries or comments may be addressed to the Acting Executive Secretary, Spectrum Planning Advisory Committee, Mr. W. Russell Slye, National Telecommunications and Information Administration, U.S. Department of Commerce, room 4099, 14th Street and Constitution Ave., NW., Washington, DC 20230, telephone: (202) 377-1850; or Ms. Jan Jivatode, the Department Committee Management Analyst, U.S. Department of Commerce, room 6020, 14th Street and Constitution Ave., NW., Washington, DC 20230, telephone: (202) 377-4115.

Dated: May 9, 1991.

W. Russell Slye,

Executive Secretary, Spectrum Planning Advisory Committee.

[FR Doc. 91-11539 Filed 5-14-91; 8:45 am]

BILLING CODE 3510-60-M

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

**Announcement of Import Limits and Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic**

May 9, 1991.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels for the new agreement year.

**EFFECTIVE DATE:** June 1, 1991.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on

<b>STATUS OF COUNCIL TASKING</b>
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<b>UNCOMPLETED PROJECTS REQUIRING SUBSTANTIAL STAFF TIME</b>
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Am. 15/20	Sablefish IFQ system	Final decision in June 1991. Implement in 1993.
Am. 17/22	Delete reporting areas in GOA Criteria for experimental fisheries Bogoslof pollock TAC Walrus protection Groundfish pot definition	Final action in June 1991. Implement in 1992.
Am. 18/23	Inshore-Offshore Allocations	Final action in June 1991. Implement in 1992.
Am. 19/24	Bycatch Amendment	Develop analysis for initial review in September and final action in December 1991. Implement by June 1992. Emergency action in December 1991 to cover first half of year.
North Pacific Fisheries Research Plan		Final action in June 1991.
Halibut IFQ system		Initial review in June, final decision in September 1991. Implement in 1993.
Groundfish/Crab IFQs		Commence design and analysis during summer. Analysis due by April/June 1992.
Moratorium		Commence analysis during summer. Analysis due in December 1991. Final action in April 1992 (possibly with emergency action).
SAFEs for 1992		Prepare during summer for initial review in September 1991.
Reporting/Recordkeeping Requirements		Council initiates in June for 1992.
Season Changes		Council initiates in June for 1992.

<b>POTENTIAL NEW PROJECTS</b>
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Seasonal apportionment of BSAI Pacific cod	Begin analysis when staff available.
Delay 2nd Qtr W/C GOA pollock opening to June 1	Begin analysis when staff available.
Restrict Donut operations	Consider when appropriate.

## Tasking Requirements For Summer--Fall 1991

### Sablefish IFOs

After Council makes a final decision in June, an addendum must be prepared supporting the chosen alternative. An implementation plan and proposed regulations, with any technical revisions necessary to merge the sablefish and halibut systems, must be prepared for Council review in September. Target implementation: 1993

Staff: Council        Chris Oliver, Russell Harding  
          Region        Jay Ginter  
          Center        Joe Terry

### Groundfish Amendment 17/22

After Council makes final decision in June, the major task will be to complete editorial revisions to the analysis and forward it to the Secretary by July 31. Target implementation: 1992

Staff: Council        Chris Oliver  
          Region        Ron Berg  
          ADFG        Lloyd Lowry

### Inshore-Offshore Allocations

After Council makes final decision in June, an addendum supporting the Council decision will be needed to forward the amendment to the Secretary by July 31. Also will need to revise proposed regulations after June meeting. Completing this task will involve major staff time during July and possibly longer. Target implementation: 1992

Staff: Council        Steve Davis, Jim Cornelius, Marcus Hartley  
          Region        Jay Ginter, Ray Baglin  
          Center        Sandra Lowe  
          Consultants    John Petterson, Mike Downey

### Bycatch Amendment 19/24

Council chooses options in June. The analysis must be completed over the summer for initial review in September and final action in December. See separate bycatch tasking document for details. Target implementation: 1992

Staff: Council        Brent Paine, Marcus Hartley, Chris Oliver  
          Region        Sue Salveson, Ron Berg  
          Center        Economist, biologist, modeller  
          ADFG        Dave Carlile, Dave Ackley, Fritz Funk  
          IPHC        Bob Trumble  
          WDF        Help as necessary

### North Pacific Fisheries Research Plan

After final Council action in June, revised document needs to be forwarded to the Secretary by July 31. There will still be major work involved in establishing the system and fine tuning will be necessary. Target implementation: 1992

Staff: Council        Steve Davis, Brent Paine  
          Center        Joe Terry, Russ Nelson  
          Region        Ron Berg, Ray Baglin



### Halibut IFQ

If Council approves document for public review at June meeting, team will have until July 19 to complete the draft and send it out to the public for a 45-day review. As noted above, we also need to work at dovetailing the sablefish and halibut systems. It would help to focus the alternatives at the June meeting, after sablefish system is decided. Target implementation: 1993

Staff: Council            Chris Oliver, Russell Harding  
          Region            Jay Ginter, Peter Fricke  
          Center            Joe Terry  
          IPHC             Bob Trumble, Gregg Williams

### Groundfish/Crab IFQs

Commence initial design work over summer. Meet with FPC and Council in September. Design work will likely continue through December, possibly into April as more data become available. During summer begin building data base and methodology for analysis. Major analysis would commence in January with completion targeted for June 1992. Target implementation: 1994

Staff: Council            Jim Cornelius, Russell Harding, Chris Oliver, Marcus Hartley  
          Region            Jay Ginter, Ray Baglin  
          Center            Dave Colpo  
          Consultants    Lee Anderson, Dan Huppert

### Moratorium

Commence analysis during summer and bring back to Council by December. Send to public review after January meeting and make final decision in April 1992, possibly with emergency action. Target implementation: 1992

Staff: Council            Jim Cornelius, Chris Oliver  
          Region            Jay Ginter  
          Center            Dave Colpo  
          Consultants    Economists

### SAFEs for 1992

Initial SAFEs due at September meeting. Environmental assessments will be needed this year, prepared during October and November.

Staff: Groundfish Plan Team Members from All Agencies.  
(Includes Chris Oliver and Brent Paine from Council staff)

### Reporting/Recordkeeping Requirements

These will be initiated at the June meeting and must be analyzed during the summer to be implemented by 1992.

Staff: Region            Sue Salveson, Patsy Bearden

### Changes in Seasons

These will be initiated at this meeting under Agenda item D-1(d). Regulatory amendments must be analyzed this summer for implementation in 1992.

Staff: Region:            Sue Salveson, Ron Berg