

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

2. In § 622.7, paragraph (aa) is added to read as follows:

**§ 622.7 Prohibitions.**

\* \* \* \* \*

(aa) Falsify information submitted on the testing of a BRD or the results of such testing, as specified in § 622.41(g)(3)(i).

3. In § 622.41, the first sentence of paragraph (g)(1) is revised and paragraph (g)(3) is added to read as follows:

**§ 622.41 Species specific limitations.**

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \* Except as exempted in paragraph (g)(3)(ii) of this section, on a penaeid shrimp trawler in the South Atlantic EEZ, each trawl net that is rigged for fishing and has a mesh size less than 2.50 inches (6.35 cm), as measured between the centers of opposite knots when pulled taut, and each try net that is rigged for fishing and has a headrope length longer than 16.0 ft (4.9 m), must have a certified BRD installed. \* \* \*

\* \* \* \* \*

(3) *Certification of BRDs*—(i) A person who seeks to have a BRD certified for use in the South Atlantic EEZ must submit an application to test such BRD, conduct the testing, and submit to the RD the results of the test conducted and recorded in accordance with the Testing Protocol for BRD Certification, which along with forms and procedures, is included in the *Bycatch Reduction Device Testing Protocol Manual* which is available from the SAFMC, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, and from the RD. A BRD that meets the certification criterion, as determined under the Testing Protocol for BRD Certification, will be added to the list of certified BRDs in paragraph (g)(2) of this section.

(ii) A penaeid shrimp trawler that is authorized to test a BRD in the EEZ for possible certification, has such authorization on board, and is conducting such test in accordance with the Testing Protocol for BRD Certification is exempt from the BRD requirement specified in paragraph (g)(1) of this section.

4. In § 622.48, paragraph (h) is revised to read as follows:

**§ 622.48 Adjustment of management measures.**

\* \* \* \* \*

(h) *South Atlantic shrimp*. BRD certification criteria, BRD specifications, BRD testing protocol, certified BRDs, nets required to use BRDs, and times

and locations when the use of BRDs is required.

The Testing Protocol for BRD Certification published as an uncodified appendix to the final rule implementing Amendment 2 to the FMP on April 16, 1997 (62 FR 18536) is revised by adding the following paragraph at the end thereof:

**Appendix—Testing Protocol for BRD Certification**

Before conducting any certification test, or series of tests, the appropriate state director or designee, must be notified. In the event that the applicant plans to submit the certification proposal directly to the RD, the applicant must notify the RD in writing. This notification should identify the sponsor of the tests, when and where the tests will be conducted, the vessel or vessels involved, any special conditions or requirements of the tests, the statistical design that will be followed, the names and affiliations of the observers, data that will be collected, a complete description of the BRDs including detailed descriptions of how the BRDs will be installed in the nets, and types of TEDs that will be used. The appropriate state director or designee, will review the notification and if adequate will authorize the applicant to conduct tests in state waters. Similarly, if testing in the EEZ is required, the state director will submit the applicant's notification to the RD, with the director's recommendation. Once the RD determines that the notification is complete and all applicable regulations are satisfied, the RD will issue the applicant a letter of authorization to conduct BRD testing in Federal waters. [FR Doc. 98-14593 Filed 6-2-98; 8:45 am]

BILLING CODE 3510-22-F

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

[I.D. 052698E]

**South Atlantic Fishery Management Council; Public Hearings**

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will

convene six public hearings on its Draft Habitat Plan, Draft Habitat Comprehensive Amendment (Draft Habitat Amendment), and associated Draft Environmental Impact Statement (DEIS) and Draft Supplemental Environmental Impact Statement (DSEIS); and on its Draft Sustainable Fisheries Act Amendment (Draft SFA Amendment). Public meetings on the NMFS draft Essential Fish Habitat (EFH) recommendations will be held following two of the public hearings.

**DATES:** Written comments will be accepted until 5 p.m. on July 15, 1998. The public hearings will be held from June 15 to June 26, 1998; see **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** Written comments on the Council's documents should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699. Copies of the Draft Habitat Amendment, DSEIS, and DEIS are available from Susan Buchanan at (843) 571-4366 and will also be available to the public at the hearings.

Written comments on the NMFS draft EFH recommendation will be accepted at the public meetings, or may be sent to: Habitat Conservation Division, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, Attn: Draft EFH Recommendation to SAC. Copies of the draft EFH recommendations may be obtained by calling (813) 570-5317.

The hearings will be held in Florida, Georgia, South Carolina, and North Carolina. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and for special accommodations.

**FOR FURTHER INFORMATION CONTACT:** Susan Buchanan, Public Information Officer, South Atlantic Fishery Management Council, 843-571-4366; fax: 843-769-4520; e-mail address: susan.buchanan@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The Council will hold public hearings on the Draft Habitat Plan, the Draft Habitat Amendment and its DEIS and DSEIS, and the Draft SFA Amendment. These amendments have been prepared to satisfy the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended in October 1996 by the Sustainable Fisheries Act.

**Draft Habitat Plan and Draft Habitat Amendment**

The Draft Habitat Plan includes background and additional rationale for the Draft Habitat Amendment.

The Draft Habitat Amendment would amend the Council's existing Fishery Management Plans (FMPs) to include EFH provisions and would create, in part, two new FMPs for sargassum and calico scallops. The Draft Habitat Amendment includes the following management measures:

1. Amendment 4 to the FMP for the Shrimp Fishery of the South Atlantic Region would:

Action 1. Identify EFH for penaeid and rock shrimp.

Action 2. Establish Essential Fish Habitat-Habitat Areas of Particular Concern (EFH-HAPCs) for penaeid shrimp.

Action 3. Require use of transponders by rock shrimp vessels fishing in the South Atlantic exclusive economic zone (EEZ).

The following two options are being considered, with no preferred option:

Option A. Require use of transponders by shrimp vessels in the South Atlantic EEZ.

Option B. Require use of transponders by shrimp vessels fishing in the South Atlantic EEZ south of 28°30' N. lat.

2. Amendment 1 to the FMP for the Red Drum Fishery of the South Atlantic Region would:

Action 1. Identify EFH for red drum.

Action 2. Establish EFH-HAPCs for red drum.

3. Amendment 10 to the FMP for the Snapper-Grouper Fishery of the South Atlantic Region would:

Action 1. Identify EFH for species in the snapper-grouper management unit.

Action 2. Establish EFH-HAPCs for species in the snapper-grouper management unit.

Action 3. Prohibit all fishing within the Experimental Closed Area.

4. Amendment 10 to the FMP for the Coastal Migratory Pelagics Fishery of the South Atlantic Region would:

Action 1. Identify EFH for coastal migratory pelagics.

Action 2. Establish EFH-HAPCs for coastal migratory pelagics.

Action 3. Prohibit fishing for coastal migratory pelagics in the Experimental Closed Area.

5. Amendment 1 to the FMP for the Golden Crab Fishery of the South Atlantic Region would:

Action 1. Identify EFH for golden crab.

Action 2. Establish EFH-HAPCs for golden crab.

6. Amendment 5 to the FMP for the Spiny Lobster Fishery of the South Atlantic Region would:

Action 1. Identify EFH for spiny lobster.

Action 2. Establish EFH-HAPCs for spiny lobster.

Action 3. Prohibit fishing for spiny lobster in the Experimental Closed Area.

7. Amendment 4 to the FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region would:

Action 1. Identify EFH for coral, coral reefs, and live/hard bottom habitats of the South Atlantic Region.

Action 2. Establish EFH-HAPCs for coral, coral reefs, and live/hard bottom habitats.

Action 3A. Expand the Oculina Bank HAPC to an area bounded to the west by 80° W. long., to the north by 28°30' N. lat., to the south by 27°30' N. lat., and to the east by the 100-fathom (600-ft) (182-m) depth contour.

Action 3B. Expand the Oculina Bank HAPC by 1 to 5 miles on the western side between 27°30' N. lat. and 28°30' N. lat.

Action 4. Prohibit all fishing within the Experimental Closed Area.

8. The FMP for the Calico Scallop Fishery of the South Atlantic Region would:

Action 1. Identify EFH for calico scallops.

Action 2. Establish EFH-HAPCs for calico scallops.

Action 3. Establish an FMP for the calico scallop fishery of the South Atlantic Region.

Action 4. Prohibit harvest of calico scallops in the area bounded to the west by 80° W. long., to the north by 28°30' N. lat., to the south by 27°30' N. lat., and to the east by the 100-fathom (600-ft) (182-m) depth contour.

Action 5. Require use of transponders by calico scallop vessels.

The following two options are being considered, with no preferred option:

Option A. Require use of transponders by calico scallop vessels in the South Atlantic EEZ.

Option B. Require use of transponders by calico scallop vessels fishing in the South Atlantic EEZ south of 28°30' N. lat.

**NMFS Draft EFH Recommendations**

NMFS is in the process of developing EFH recommendations to the Council in accordance with the recent amendments to the Magnuson-Stevens Act. The NMFS draft EFH recommendation to the Council includes a review and comments on the draft EFH amendment. The NMFS draft EFH recommendation to the Council will be available for public distribution June 8, 1998, and will be available at all of the Council's public hearings. Copies may be

requested (see ADDRESSES). NMFS will hold a public meeting on the draft NMFS EFH recommendations immediately following the Council's public hearings in St. Augustine, FL, on June 15, and in Charleston, SC, on June 22. Written comments on the NMFS draft EFH recommendations will be accepted at the two public meetings or may be sent to the NMFS Habitat Conservation Division (see ADDRESSES).

**Draft SFA Amendment**

The Draft SFA Amendment includes management measures that would address the subjects listed here. The Council approved this amendment for public hearing with no preferred options, given that the Magnuson-Stevens Act national standard guidelines had not been finalized at that time. The Draft SFA Amendment contains the following measures:

1. Definitions to address consistency with SFA section 102 definitions:

Action 1. No action to amend FMPs is required.

2. Other Required Provisions; Bycatch—bycatch management measures and bycatch reporting requirements.

Action 2. No action to amend the bycatch management measures in the FMPs is required.

3. Commercial, recreational, and charter fishing—sector descriptions, landing trends, and data specification.

Action 3. No action to amend FMPs is required.

4. Fishing communities—identification and definition of fishing communities.

Action 4. Amend the Shrimp, Red Drum, Snapper-Grouper, Coastal Migratory Pelagics, Golden Crab, Spiny Lobster, Coral and Coral Reefs and Live/Hard Bottom Habitat FMPs to include available information on fishing communities.

5. Maximum Sustainable Yield (MSY), Optimum Yield (OY), overfishing, and overfished.

Action 5. Amend the Shrimp, Red Drum, Snapper-Grouper, Coastal Migratory Pelagics, Golden Crab, Spiny Lobster, Coral and Coral Reefs and Live/Hard Bottom Habitat FMPs as required. (No preferred options—see the following options).

A. Shrimp FMP.

1. MSY.

Option 1. No action.

Option 2. MSY is equal to 30 to 40 percent of the static spawning potential ratio (SPR) (Council to specify).

Option 3. Other modifications to the proxy MSY values. Note: Under this option, one would have to develop the rationale for any such modification.

## 2. OY.

Option 1. No action.

Option 2. The Council's target level or OY is 30 to 100 percent of the static SPR (Council to specify).

Option 3. Other modifications to the OY specifications. Note: Under this option, one would have to develop the rationale for any such modification.

3. Overfishing level to meet Magnuson-Stevens Act mandate.

Option 1. No action.

Option 2. Modify the overfishing definitions.

Note: Under this option, one would have to develop the rationale for any such modification.

Option 3. Modify the rock shrimp definition to track brown and pink shrimp.

Option 4. Establish a rebuilding timeframe equal to 1 to 10 years, or within a time period equal to 1.5 times the mean generation time. Generation time is computed as the age at which the average female achieves half of her expected lifetime egg production (Council to specify).

B. Red Drum FMP.

1. MSY.

Option 1. No action.

Option 2. MSY is equal to 30 to 40 percent of the static SPR (Council to specify).

2. OY.

Option 1. No action.

Option 2. OY for the Atlantic Coast red drum fishery is the amount of harvest that can be taken by U.S. fishermen while maintaining the SPR at or above 40 to 100 percent of the static SPR (Council to specify).

Option 3. Other modifications to the OY specification. Note: Under this option, one would have to develop the rationale for any such modification.

3. Overfishing level to meet the Magnuson-Stevens Act mandate.

Option 1. No action.

Option 2. Specify a threshold level in the range of 1 to 20 percent of SPR, an overfished level in the range of 20 to 55 percent SPR, and a target (OY) level in the range of 30 to 100 SPR.

Option 3. Other modifications to the overfishing definitions.

Note: Under this option, one would have to develop the rationale for any such modification.

Option 4. Specify a threshold level of between 2 pounds (0.4 kg) and 1 million pounds (0.4 million kg) (Council to specify).

Option 5. Establish a rebuilding timeframe equal to 1 to 10 years or within a time period equal to 1.5 times the mean generation time. Generation time is computed as the age at which the average female achieves half of her

expected lifetime egg production (Council to specify).

C. Snapper-Grouper FMP.

1. MSY.

Option 1. No action.

Option 2. MSY is equal to 30 to 40 percent of the static SPR (Council to specify).

Option 3. Other modifications to the proxy MSY values. Note: Under this option, one would have to develop the rationale for any such modification.

2. OY.

Option 1. No action.

Option 2. For snapper-grouper species that change sex, or for all snapper-grouper species (Council to specify), specify a target or OY level equal to  $F_{0.1}$ .

Option 3. Other modifications to the OY specifications. Note: Under this option, one would have to develop the rationale for any such modification.

3. Overfishing level to meet the Magnuson-Stevens Act mandate.

Option 1. No action.

Option 2. Redefine overfishing.

a. A snapper-grouper species (including jewfish) is considered to be overfished when the transitional SPR is below 20 percent.

b. When a stock is overfished (transitional SPR less than 20 percent), a rebuilding program that makes consistent progress toward restoring the stock condition must be implemented and continued until the stock is restored beyond the overfished condition. The rebuilding program must be designed to achieve recovery within an acceptable timeframe as specified by the Council (generally cannot exceed 10 years). The Council will continue to rebuild the stock until the stock is restored to the management target (OY).

c. When a stock is not overfished (transitional SPR equal to or greater than 20 percent), the act of overfishing is defined as a static SPR that exceeds 20 percent (i.e.,  $F_{20\%}$ ). If fishing mortality rates that exceed the level associated with the static SPR overfished level are maintained, the stock may become overfished. Therefore, if overfishing is occurring, a program to reduce fishing mortality rates toward management target levels (OY) will be implemented, even if the stock is not in an overfished condition.

d. The threshold level for snapper-grouper species is defined as 10 percent transitional SPR. If the stock(s) were to be overfished to such an extent that their transitional SPR was below the threshold level, the Council will take appropriate action, including, but not limited to, eliminating directed fishing mortality and evaluating measures to eliminate any bycatch mortality in a timely manner through the framework procedure.

e. For species where there is insufficient information to determine whether the stock is overfished (transitional SPR), overfishing is defined as a fishing mortality rate in excess of the fishing mortality rate corresponding to a default static SPR of 30 percent. If overfishing is occurring, a program to reduce fishing mortality rates to at least the level corresponding to management target levels will be implemented.

f. The timeframe for recovery of overfished stocks remains unchanged. For species that were not documented as overfished in Amendment 3 to the Snapper-Grouper FMP, Year 1 is the year in which the species is documented as being overfished. For example, gag were documented as being overfished in the 1996 assessment; therefore, Year 1 for gag is 1996.

Option 3. Specify a threshold level in the range of 5 to 30 percent SPR and a target level in the range of 30 to 50 percent SPR.

Option 4. Establish species-specific definitions of overfishing—target, overfished, and threshold. For example, jewfish—specify 50 percent SPR as a target level, 40 percent SPR as an overfished level, and 20 percent as the threshold level.

Option 5. Specify a threshold level in the range of 1 to 20 percent SPR, an overfished level in the range of 20 to 50 percent SPR, and a target (OY) level in the range of 30 to 100 percent SPR.

Option 6. Specify a threshold level of between 2 pounds (0.8 kg) and 1 million pounds (0.4 million kg) (Council to specify) for each species.

Option 7. For snapper-grouper species that change sex, or for all snapper-grouper species (Council to specify), specify an overfished level equal to  $F_{max}$ .

Option 8. The Snapper-Grouper Assessment Group concluded that rebuilding to OY should occur within a time period equal to 1.5 times the mean generation time. Generation time is computed as the age at which the average female achieves half of her expected lifetime egg production.

D. Coastal Migratory Pelagics FMP.

1. MSY.

Option 1. No action.

Option 2. MSY is equal to 30 to 40 percent static SPR (Council to specify).

2. OY.

Option 1. No action.

Option 2. Specify a target level or OY in the range of 30 to 100 percent SPR (Council to specify).

Option 3. Modifications to the OY specification.

Note: Under this option, one would have to develop the rationale for any such modification.

3. Overfishing level to meet the Magnuson-Stevens Act mandate.

Option 1. No action.

Option 2. Redefine overfishing (proposed action in Amendment 8 to the FMP).

a. A mackerel stock or migratory group is considered to be overfished when the transitional SPR is below 20 percent.

b. When a stock or migratory group is overfished (transitional SPR less than 20 percent), a rebuilding program that makes consistent progress toward restoring stock condition must be implemented and continued until the stock is restored beyond the overfished condition. The rebuilding program must be designed to achieve recovery within an acceptable timeframe as specified by the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils). The Councils will continue to rebuild the stock until the stock is restored to the management target (OY) within an unspecified timeframe.

c. When a stock is not overfished (transitional SPR equal to or greater than 20 percent), the act of overfishing is defined as a static SPR that exceeds the threshold of 20 percent (i.e.,  $F_{20\%}$ ). If fishing mortality rates that exceed the level associated with the static SPR overfished level are maintained, the stock may become overfished. Therefore, if overfishing is occurring, a program to reduce fishing mortality rates toward management target levels (OY) will be implemented, even if the stock is not in an overfished condition.

d. The Councils have requested that the Mackerel Stock Assessment Panel provide a range of possibilities and options for specifying an absolute biomass level that could be used to represent a depleted condition or state. In a future amendment, the Councils will describe a process whereby, if the biomass is below such a level, the Councils would take appropriate action, including, but not limited to, eliminating directed fishing mortality and evaluating measures to eliminate any bycatch mortality in a timely manner through the framework procedure.

e. For species like cobia, where there is insufficient information to determine whether the stock or migratory group is overfished (transitional SPR), overfishing is defined as a fishing mortality rate in excess of the fishing mortality rate corresponding to a default threshold static SPR of 30 percent. If overfishing is occurring, a program to reduce fishing mortality rates to at least the level corresponding to management target levels will be implemented.

Option 3. Specify a threshold level in the range of 1 to 20 percent SPR, an overfished level in the range of 20 to 55 percent SPR, and a target (OY) level in the range of 30 to 100 percent SPR.

Option 4. Specify a threshold level of between 2 pounds (0.8 kg) and 2 million pounds (0.8 million kg) (Council to specify) for each species.

Option 5. Rebuilding to OY should occur within a time period equal to 1.5 times the mean generation time. Generation time is computed as the age at which the average female achieves half of her expected lifetime egg production.

E. Golden Crab FMP.

1. MSY.

Option 1. No action.

Option 2. MSY is equal to 30 to 40 percent static SPR (Council to specify).

2. OY.

Option 1. No action.

Option 2. OY for the golden crab fishery is the amount of harvest that can be taken by U.S. fishermen while maintaining the SPR at or above 40 percent static SPR.

Option 3. Other modifications to the OY specification. Note: Under this option, one would have to develop the rationale for any such modification.

3. Overfishing level to meet the Magnuson-Stevens Act mandate.

Option 1. No action.

Option 2. Specify a threshold level of between 2 pounds (0.8 kg) and 2 million pounds (0.8 million kg) (Council to specify).

Option 3. Specify a threshold level in the range of 1 to 20 percent SPR, an overfished level in the range of 20 to 55 percent SPR, and a target (OY) level in the range of 30 to 100 percent SPR.

Option 4. Rebuilding to OY should occur within a time period equal to 1.5 times the mean generation time. Generation time is computed as the age at which the average female achieves half of her expected lifetime egg production.

F. Spiny Lobster FMP.

1. MSY.

Option 1. No action.

Option 2. MSY is equal to 30 to 40 percent static SPR (Council to specify).

2. OY.

Option 1. No action.

Option 2. OY for the spiny lobster fishery is the amount of harvest that can be taken by U.S. fishermen while maintaining the SPR at or above 40 to 100 percent (Council to specify).

Option 3. Other modifications to the OY specification. Note: Under this option, one would have to develop the rationale for any such modification.

3. Overfishing level to meet the Magnuson-Stevens Act mandate.

Option 1. No action.

Option 2. Specify a threshold level in the range of 1 to 20 percent SPR, an overfished level in the range of 20 to 55 percent SPR, and a target (OY) level in the range of 30 to 100 percent SPR.

Option 3. Specify a threshold level of between 2 pounds (0.8 kg) and 2 million pounds (0.8 million kg) (Council to specify) for each species.

Option 4. Rebuilding to OY should occur within a time period equal to 1.5 times the mean generation time. Generation time is computed as the age at which the average female achieves half of her expected lifetime egg production.

G. Sargassum Habitat FMP.

1. MSY.

Option 1. No action.

Option 2. MSY is equal to 30 to 40 percent static SPR (Council to specify).

Option 3. Given the limited data, do not specify a MSY at this time.

2. OY.

Option 1. OY for sargassum is the level of harvest specified or as may be authorized pursuant to the permitting criteria established in this plan.

Option 2. OY for the sargassum fishery is the amount of harvest that can be taken by U.S. fishermen while maintaining the SPR at or above 40 to 100 percent (Council to specify).

Option 3. OY is all sargassum that can be harvested legally under the provisions of the Sargassum FMP, which is equivalent to that level of sargassum harvest that would minimize user conflicts among vessels, minimize the cost of fishing, produce a stable level of landings that would maximize returns to the fishermen, provide for a stable supply, and minimize management costs.

Option 4. Other modifications to the OY specification. Note: Under this option, one would have to develop the rationale for any such modification.

3. Overfishing level to meet the Magnuson-Stevens Act mandate.

Option 1. No action.

Option 2. Specify a threshold level in the range of 1 to 20 percent SPR, an overfished level in the range of 20 to 55 percent SPR, and a target (OY) level in the range of 30 to 100 percent SPR.

Option 3. Specify a threshold level of between 2 pounds and 2 million pounds (Council to specify) for each species.

Option 4. Rebuilding to OY should occur within a time period equal to 1.5 times the mean generation time. Generation time is computed as the age at which the average female achieves half of her expected lifetime egg production.

### DEIS and DSEIS Public Comment Period

NMFS intends to file the DSEIS and DEIS with the Environmental Protection Agency to initiate a 45-day public comment period pursuant to the requirements of the National Environmental Policy Act, prior to the Council's public hearings.

### Public Hearings

The hearings will begin at 6 p.m. and will end when all business is completed. The dates and locations are scheduled as follows:

1. Monday, June 15, 1998--Ponce de Leon Resort, 4000 U.S. Highway 1, North, St. Augustine, FL; telephone: 904-924-2821;
2. Monday, June 22, 1998--Town & Country, 2008 Savannah Highway, Charleston, SC; telephone: 843-571-1000;
3. Tuesday, June 23, 1998--Carteret Community College, 3505 Arendell Street, Morehead City, NC; telephone: 919-247-3094;
4. Wednesday, June 24, 1998--Holiday Inn, Highway 17 South at I-95, Richmond Hill (near Savannah), GA; telephone: 912-756-3351;
5. Thursday, June 25, 1998--Holiday Inn, 7151 Okeechobee Road, Ft. Pierce, FL; telephone: 561-464-5000;
6. Friday, June 26, 1998--Hawk's Cay Resort, Mile Marker 61, Marathon, FL; telephone: 305-743-7000.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see ADDRESSES) by June 9, 1998.

Dated: May 28, 1998.

**George H. Darcy,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 98-14739 Filed 6-2-98; 8:45 am]  
BILLING CODE 3510-22-F

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 052098C]

RIN 0648-AK21

#### Fisheries Off West Coast States and in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Draft Amendment 5

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

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

**SUMMARY:** The Western Pacific Fishery Management Council (Council) is seeking comments on Draft Amendment 5 to the Fishery Management Plan for Bottomfish and Seamount Groundfish of the Western Pacific Region (FMP).

**DATES:** Comments on Draft Amendment 5 must be received by the Council office no later than July 20, 1998.

**ADDRESSES:** Written comments should be sent to, and copies of Draft Amendment 5 are available from, the Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director; 808-522-8220.

**SUPPLEMENTARY INFORMATION:** The Council is seeking comments on Draft

Amendment 5 to the FMP, which would establish a limited access program for the Mau Zone bottomfish fishery in the Northwestern Hawaiian Islands (NWHI). The Mau Zone limited access program is intended to address the low economic returns in the fishery, the potential for excessive harvest capacity, and other conservation and economic concerns.

Draft Amendment 5 would specify a target number of vessels for the fishery; establish qualifying criteria for allocation of initial limited access permits based on historical and current landings; impose permit holder restrictions; establish a use-it-or-lose-it requirement for permit renewal; prohibit the transfer, lease, charter, and sale of permits to reduce the number of vessels in the fishery to the target number; direct the Council to assess periodically how effectively the limited access program meets the objectives of the FMP; and establish criteria to allow new entrants into the Mau Zone when the number of vessels falls below the target number specified for the fishery.

Since March 1997, there has been a 2-year moratorium on the issuance of new permits for harvesting bottomfish in the Mau Zone so that effort in the fishery can be stabilized while the Council develops a long-term limited access program (see the final rule published in the February 26, 1997, issue of the **Federal Register** at 62 FR 8637). The moratorium expires on March 27, 1999, at which time proposed Amendment 5 is expected to be implemented. The Council will be taking action on draft Amendment 5 at its 97th meeting to be held in July in Kailua-Kona, Hawaii.

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

Dated: May 28, 1998.

**Bruce C. Morehead,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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