

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

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## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Indiana

**AGENCY:** Natural Resources Conservation Service (NRCS) USDA.

**ACTION:** Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Indiana for review and comment.

**SUMMARY:** It is the intention of NRCS in Indiana to issue a new and a revised conservation practice standard in Section IV of the FOTG. The new standard is Manure Transfer (Code 634) and the revised practice standard is Waste Management System (Code 312). These practices may be used in conservation systems that treat highly erodible land.

**DATES:** Comments will be received on or before January 14, 2000.

**ADDRESSES:** Address all requests and comments to Robert L. Eddleman, State Conservationist, Natural Resources Conservation Service (NRCS), 6013 Lakeside Blvd., Indianapolis, Indiana 46278. Copies of these standards will be made available upon written request. You may submit electronic requests and comments to joe.gasperi@in.usda.gov

**FOR FURTHER INFORMATION CONTACT:** Robert L. Eddleman, 317-290-3200.

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law, to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law, shall be made available for public review and comment. For the next 30 days, the NRCS in Indiana will receive comments relative to the proposed changes.

Following that period, a determination will be made by the NRCS in Indiana regarding disposition of those comments and a final determination of changes will be made.

Dated: December 2, 1999.

**Robert L. Eddleman,**  
State Conservationist, Indianapolis, Indiana.  
[FR Doc. 99-32450 Filed 12-14-99; 8:45 am]  
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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 64-99]

#### Proposed Foreign-Trade Zone—Riverside County, California Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the March Joint Powers Authority (a public corporation), to establish a general-purpose foreign-trade zone in Riverside County, California, adjacent to Los Angeles-Long Beach Customs port of entry. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on December 6, 1999. The applicant is authorized to make the proposal under Section 6302 of the California Code.

The proposed zone would be the fourth general-purpose zone in the Los Angeles-Long Beach Customs port of entry area. The existing zones are **FTZ 50** in Long Beach (sites also in Ontario, Santa Ana and San Bernardino) (Grantee: Board of Harbor Commissioners of the City of Long Beach, Board Order 147, 44 FR 55919, 9/28/79); **FTZ 191** in Palmdale (Grantee: City of Palmdale, Board Order 628, 58 FR 6614, 2/1/93); and **FTZ 202** in Los Angeles (sites also in Bakersfield, Rancho Dominguez and Carson) (Grantee: Board of Harbor Commissioners of the City of Los Angeles, Board Order 693, 59 FR 37464, 7/22/94).

The proposed new zone (2,480 acres) would be located at the March Inland Port (MIP), which is related to a defense conversion project at March Air Force Base. The site is located within Riverside County, California, and straddles Interstate 215 a few miles

south of State Highway 60. The MIP development, consisting of over 7,000 acres of land, adjacent to the Cities of Moreno Valley, Perris and Riverside, is a newly-established civilian airport and air-cargo facility at the realigned March Air Force Base. The base now serves as an Air Reserve Base, and surplus lands are being made available for commercial uses. MIP is a "joint-use airport," where airport facilities are owned and operated by the Air Force but made available for civilian aviation. The area to be included in the proposed zone is currently owned by the U.S. Air Force, but ownership is in the process of being conveyed to the applicant for commercial use. The application indicates a need for zone services in the Riverside County area. Several firms have indicated an interest in using zone procedures for warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on February 4, 2000, 10:00 a.m., at the March Joint Powers Authority Auditorium, 3409 Bundy Avenue, Riverside, California 92518.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is February 22, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to March 8, 2000).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Office of the March Joint Powers Authority,  
3430 Bundy Avenue, Suite 107, Building  
3408, March AFB, California 92518.  
Office of the Executive Secretary, Foreign-  
Trade Zones Board, Room 4008, U.S.  
Department of Commerce, 14th and  
Pennsylvania Avenue, NW, Washington,  
DC 20230.

Dated: December 8, 1999.

**Dennis Puccinelli,**

*Acting Executive Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080999E]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Pelagic *Sargassum* Habitat in the South Atlantic; Fishery Management Plan

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

**ACTION:** Notice of agency action.

**SUMMARY:** NMFS has disapproved the Fishery Management Plan for Pelagic *Sargassum* Habitat of the South Atlantic Region (FMP) submitted by the South Atlantic Fishery Management Council (Council). Under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), NMFS determined that the FMP did not meet the requirements for a fishery management plan.

**FOR FURTHER INFORMATION CONTACT:** Steve Branstetter, telephone: 727-570-5305, fax: 727-570-5583, e-mail: steve.branstetter@noaa.gov.

**SUPPLEMENTARY INFORMATION:** Pelagic *Sargassum* is an abundant brown alga that occurs near the surface in warm waters of the western North Atlantic. According to the FMP, the standing crop of pelagic *Sargassum* in the North Atlantic Ocean may be 4 to 11 million metric tons (roughly 9 to 24 billion lb). Two different scientific studies indicate that *Sargassum* is capable of increasing its biomass by approximately 50 percent per week. The *Sargassum* habitat supports a diverse assemblage of marine organisms. The Council designated pelagic *Sargassum* as essential fish habitat (EFH) and as an essential fish habitat-habitat area of particular concern (EFH-HAPC) for snapper-grouper species and coastal migratory pelagic species in its Comprehensive Amendment Addressing Essential Fish Habitat in Fishery Management Plans of the South Atlantic Region (Habitat Plan).

The Council subsequently developed and submitted the FMP that addresses conservation and management of pelagic *Sargassum* off the U.S. Atlantic

coast from the North Carolina/Virginia boundary through the east coast of Florida, including the Atlantic side of the Florida Keys. The FMP would have: (1) Established the management unit for *Sargassum*; (2) specified optimum yield (OY) for pelagic *Sargassum* as zero harvest; (3) specified overfishing levels as occurring when the fishing mortality rate is greater than zero; (4) identified EFH for *Sargassum*; (5) established EFH-HAPCs for *Sargassum*; and (6) eventually prohibited the harvest or possession of pelagic *Sargassum* in or from the exclusive economic zone off the southern Atlantic states.

The FMP did not specify a maximum sustainable yield (MSY) for pelagic *Sargassum*. Section 303(a)(3) of the Magnuson-Stevens Act requires that any fishery management plan "assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification." As such, MSY is a necessary FMP component, upon which other FMP measures such as an MSY control rule, as specified in NMFS guidelines (see 50 CFR 600.310), would depend. NMFS specifically invited comments on this aspect of the FMP and on the propriety of the control rule measures such as an OY specification of zero in the absence of any specification of MSY. Four comments indicated that the establishment of MSY was irrelevant for habitat, and three comments indirectly addressed this issue noting that research should be conducted to develop a scientifically credible management strategy.

One company has harvested a total of 448,000 lb (203,209 kg) of pelagic *Sargassum* off the southern Atlantic states from 1976 to the present. This harvest represents an average annual removal of less than 20,000 lb (9072 kg), which is 0.0002 to 0.00008 percent of the estimated standing crop. Nevertheless, the Council concluded that any removal of pelagic *Sargassum* constituted a net loss of EFH off the southern Atlantic states, and, thus, was contradictory to the goals and objectives of the Council's Habitat Plan; therefore, the Council set OY equal to zero harvest. Section 303(a)(7) of the Magnuson-Stevens Act requires the Councils to minimize, to the extent practicable, adverse effects on EFH caused by fishing.

Based on the biological information available concerning the standing crop and productivity of pelagic *Sargassum*, NMFS determined that the FMP did not provide sufficient rationale that the

historical harvest had adversely impacted *Sargassum* EFH or the fauna associated with *Sargassum* EFH.

Based on the FMP's lack of an MSY estimate for pelagic *Sargassum* and its failure to justify adequately an OY of zero, NMFS disapproved the FMP. Nevertheless, NMFS supports the Council's intent to maintain a healthy quantity of pelagic *Sargassum* habitat for numerous managed and non-managed species, including threatened, endangered, or otherwise protected species. NMFS has suggested that the Council develop an alternative management mechanism, such as an amendment to an existing FMP where *Sargassum* is designated as EFH, that would effectively manage and maintain sustainable quantities of this renewable natural resource.

#### Comments and Responses

Comments were received from 304 individuals, 9 sport fishing organizations, 17 environmental or citizens groups, 4 businesses, 4 state agencies, 4 Federal agencies, and the Council.

*Comment 1:* In response to NMFS' specific request for comments on the appropriateness of an FMP that did not contain an estimate of MSY, several commenters questioned the relevance of MSY to a recognized essential habitat, pointing out that the biomass is less important than its spatial and temporal distribution. These commenters believed that OY could be set at zero to provide the overall greatest benefit to society when considering ecosystem integrity and protection. Also, commenters noted that there was a precedent for setting OY equal to zero harvest since a similar management strategy was employed for organisms/habitat such as coral and live rock managed under other fishery management plans.

Another commenter stated that the FMP did not provide sufficient rationale to support an OY of zero harvest, and recommended that, given the lack of fishing thresholds and targets, the goals and objectives of the FMP would be better accomplished by establishing *Sargassum* as EFH under existing FMPs instead of attempting to develop all the requirements for a separate FMP. Commenters also addressed this issue indirectly, noting that data were insufficient to calculate control rule parameters and that research should be conducted to provide answers to key questions concerning the *Sargassum* ecosystem structure so that a scientifically credible management strategy could be established.