

On March 30, 1998, the Service published in the **Federal Register** a proposed rule to list the Cowhead Lake tui chub as endangered (63 FR 15152). The original comment period closed on May 29, 1998 but the comment period was reopened at the request of private citizens and organizations (63 FR 33033-33034). The second comment period closed on August 3, 1998 after which the Service, BLM, CDFG, and private landowners in the Cowhead Lake watershed signed a Conservation Agreement (C.A.) for the Cowhead Lake tui chub on October 22, 1999. The actions and goals committed to in the C.A. help to ensure the long-term survival of the subspecies by balancing current practices in the watershed with the long-term needs of the subspecies.

The Conservation Strategy of the C.A. includes two phases. Phase I, expected to be in effect for two years from signing, involves studies of the distribution, abundance, life history and habitat preferences of Cowhead Lake tui chubs and hydrology of the Cowhead Lake watershed. Phase II will build on what has been learned in Phase I to implement specific actions to improve the quality and availability of habitat for the subspecies. Phase II is estimated to be in effect for 10 years and includes monitoring to determine the effectiveness of conservation actions. The Conservation Strategy has an adaptive management approach; conservation actions will be modified when monitoring results indicate that such modification is necessary to conserve the Cowhead Lake tui chub.

The signatories of the C.A. have requested that the Service reopen the public comment period so the Service may also consider the conservation measures of the C.A. when making a final determination on the listing proposal of the Cowhead Lake tui chub. Written comments may be submitted until February 16, 2000 to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Catherine Hibbard, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Authority

The authority of this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Elizabeth H. Stevens,

Manager, California/Nevada Operations Office.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 011900C]

Fisheries of the Northeastern United States; Deep-sea Red Crab Fishery; Scoping Process

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

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) and notice of scoping process; request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intention to prepare a Fishery Management Plan (FMP) for deep-sea red crab (*Chaceon quinque-dens*) and to prepare an EIS, if necessary, to analyze the impacts of any proposed management measures. The FMP would be developed pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Council also formally announces a public process to determine the scope of issues to be addressed in the environmental impact analyses. The purpose of this notification is to alert the interested public of the commencement of the scoping process and to provide for public participation in compliance with environmental documentation requirements.

DATES: The Council will discuss and take scoping comments at public meetings in February 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times. Written scoping comments must be received at the appropriate address or fax number (see **ADDRESSES**) on or before 5:00 p.m., local time, February 21, 2000.

ADDRESSES: The Council will discuss and take scoping comments at public meetings in New Hampshire and Massachusetts. See **SUPPLEMENTARY INFORMATION** for specific locations. Written comments and requests for copies of the scoping document and other information should be directed to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, Telephone (978) 465-0492. Comments may also be sent via facsimile (fax) to (978) 465-3116. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Background

The deep-sea red crab (*Chaceon quinque-dens*) is a deep-water benthic species that supports a small commercial fishery on the Atlantic coast in southern New England and on the southern slope of Georges Bank. Although not regulated, the commercial fishery appears to be limited to approximately six vessels, with some possible seasonal participation by offshore lobster vessels. There is no FMP for red crab.

Information is scarce for this resource, but recent annual landings appear to be close to estimates of maximum sustainable yield (MSY) (5.5 mil lb (2.5 mil kg)). Current capacity in this fishery is sufficient to harvest or exceed MSY; there is concern about excess harvesting capacity entering this fishery. The Council is considering development of a controlled access system in the red crab fishery to address the principle of matching capacity to sustainable harvest level. The limitation of entry into the fishery may be based on levels of participation or other criteria, such as domestic harvest capacity. The Council will consider other management measures (e.g., minimum size, quotas, trap limits and/or requirements, fishing seasons, etc.) as appropriate.

Scoping Process

All persons affected by or otherwise interested in red crab fishery management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see **ADDRESSES**) or attending one of the scoping meetings. Scope consists of the range of actions, alternatives, and impacts to be considered. Alternatives include preparing an FMP that contains management measures such as the ones previously mentioned in this notice; preparing an FMP that does not contain management measures, but that has a framework procedure for the development of such measures in the future; not preparing an FMP at this time; or other reasonable courses of action. Impacts may be direct, indirect, individual, or cumulative. The scoping process also will identify and eliminate from detailed study issues that are not significant. If, after the scoping process is completed, the Council proceeds with the development of an FMP, the Council will prepare an EIS or Environmental Assessment, as appropriate, depending on the nature of the FMP to be developed. The Council will hold

public hearings to receive comments on the draft FMP and the analysis of its impacts on the human environment.

Public Meeting Schedule

The Council will discuss and take scoping comments at public meetings as follows:

February 11, 2000, 1:00 p.m., Urban Forestry Center, State of New Hampshire Division of Parks and Lands, 45 Elwyn Road, Portsmouth, NH 03801, (603) 431-6774 and

February 14, 2000, 1:00 p.m., Center for Marine Science and Technology (CMAST), University of Massachusetts, 706 South Rodney French Boulevard, New Bedford, MA, (508) 999-8193.

Additional scoping meetings may be scheduled as needed.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids

should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: January 27, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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