

distinctive oceanographic and geomorphic features that create a dynamic and highly productive ecosystem. The petition describes oceanographic conditions such as upwellings (i.e., the movement of nutrient-rich subsurface waters to the surface) that favor increased zooplankton production. The petitioners cite studies indicating a positive relationship with leatherback presence and these conditions (Benson *et al.*, 2007a) and that leatherbacks migrate to and forage in the area (Benson *et al.*, 2007b).

The Petitioners claim the petitioned area provides space for population growth and normal behavior and is a known crucial feeding site for leatherbacks. The Petitioners believe the area contains physical and biological features essential to the conservation of leatherback sea turtles. They offer that the PCEs should be those habitat components that are essential for feeding, resting, migrating, and include all marine waters, along with associated marine aquatic flora and fauna in the water column, and the underlying marine benthic community. The petitioners argue that the area requires special management considerations as evidenced by the existing measures to reduce leatherback interactions with fisheries. They claim the area should be managed for other fisheries, marine debris, vessel strikes, oil spills, coastal development, and changing ocean conditions brought on by global warming.

Finally, the Petitioners request that, if we determine some portion of the petitioned area does not meet the criteria for critical habitat, we analyze whether some subset of this area should be designated as critical habitat.

#### Petition Finding

Based on the above information and information readily available in our files, and pursuant to criteria specified in 50 CFR 424.14(c), we find the petitioners present substantial scientific information indicating that a revision to the critical habitat designation for leatherbacks may be warranted. Our Southwest Fisheries Science Center has conducted research on leatherbacks foraging within and migrating through the petition area. Several female leatherbacks nesting in Indonesia made trans-Pacific post-nesting migrations to foraging areas off the coasts of Oregon and Washington (Benson *et al.*, 2007a; Benson unpublished data, 2007). Benson *et al.*, (2007b) found that leatherbacks associate with areas along the U.S. West Coast where nutrient-rich, upwelling water is entrained nearshore.

These areas provide increased retention of zooplankton, larval fish, crabs, and gelatinous organisms and represent important foraging grounds for leatherbacks.

To ensure that the review to revise critical habitat for leatherbacks is complete and based on the best available data, we solicit information and comments on whether the petitioned area, or some subset, or some adjacent areas along the U.S. West Coast, qualify as critical habitat. Areas that include the physical and biological features essential to the conservation of the species and that may require special management considerations or protection should be identified. As stated earlier, essential features include, but are not limited to, space for individual growth and for normal behavior, food, water, air, light, minerals, or other nutritional or physiological requirements, cover or shelter, sites for reproduction and development of offspring, and habitats that are protected from disturbance or are representative of the historical, geographical and ecological distributions of the species (50 CFR 424.12).

We request that all data, information, and comments be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address (see ADDRESSES).

#### Peer Review

OMB issued its Final Information Quality Bulletin for Peer Review on December 16, 2004. The Bulletin went into effect June 16, 2005, and generally requires that all “influential scientific information” and “highly influential scientific information” disseminated on or after that date be peer reviewed. Because the information used to evaluate this petition may be considered “influential scientific information,” we solicit the names of recognized experts in the field that could serve as peer reviewers of such information we may disseminate as we evaluate this petition. Independent peer reviewers will be selected from the academic and scientific community, applicable tribal and other Native American groups, Federal and state agencies, the private sector, and public interest groups.

#### References Cited

Benson, S.R., K.A. Forney, J.T. Harvey, J.V. Carretta, and P.H. Dutton. 2007a. Abundance, distribution, and

habitat of leatherback turtles (*Dermochelys coriacea*) off California, 1990–2003. *Fisheries Bulletin*. 105:337–347.

Benson, S.R., P.H. Dutton, C. Hittipuew, B. Samber, J. Bakarbessy, and D. Parker. 2007b. Post-Nesting Migrations of Leatherback Turtles (*Dermochelys coriacea*) from Jamursba-Medi, Bird’s Head Peninsula, Indonesia. *Chelonian Conservation and Biology*. 6(1):150–154.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: December 20, 2007.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. E7-25268 Filed 12-27-07; 8:45 am]

**BILLING CODE 3510-22-S**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

#### RIN 0648-AU29

### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 15A

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

**ACTION:** Notice of Availability of Amendment 15A to the South Atlantic Snapper-Grouper Fishery Management Plan; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) has submitted Amendment 15A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. Amendment 15A proposes actions to update management reference points for snowy grouper, black sea bass, and red porgy based on the most recent stock assessments; modify rebuilding schedules for snowy grouper and black sea bass; define rebuilding strategies for snowy grouper, black sea bass, and red porgy; and redefine the minimum stock size threshold for the snowy grouper stock. The measures contained in the subject amendment are intended to satisfy a U.S. District Court Order to establish rebuilding plans for South Atlantic snowy grouper and black sea bass and for the Secretary of Commerce (Secretary) to approve,

amend, or disapprove Amendment 15A by March 14, 2008.

**DATES:** Comments must be received no later than 5 p.m., eastern time, on February 26, 2008.

**ADDRESSES:** You may submit comments, identified by "0648-AU29", by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>.

- Fax: 727-824-8308, Attn: John McGovern.

- Mail: John McGovern, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Requests for copies of Amendment 15A, which includes an environmental impact statement, a regulatory impact review, a regulatory flexibility analysis, and a fishery impact statement, should be sent to the South Atlantic Fishery Management Council, 4055 Faber Place, Suite 201, North Charleston, SC 29405; telephone 843-571-4366; fax 843-769-4520; e-mail [safmc@safmc.net](mailto:safmc@safmc.net).

**FOR FURTHER INFORMATION CONTACT:** John McGovern, telephone: 727-824-5305; fax: 727-824-5308; e-mail: [John.McGovern@noaa.gov](mailto:John.McGovern@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The South Atlantic snapper-grouper fishery is managed under the FMP. The FMP was prepared by the Council and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

## Background

Stock assessments performed through the Southeast Data Assessment and Review process have revealed that the South Atlantic stocks of snowy grouper (*Epinephelus niveatus*), black sea bass (*Centropristes striata*), and red porgy (*Pagrus pagrus*) are overfished. Furthermore, snowy grouper and black sea bass are undergoing overfishing. The Council is required by the Magnuson-

Stevens Act to implement rebuilding plans for these overfished species. The intent of a rebuilding plan is to increase biomass of overfished stocks to a sustainable level ( $B_{msy}$ ) within a specified period of time.

On August 17, 2007, the United States District Court for the District of Columbia, issued a ruling on Amendment 13C to the FMP (*North Carolina Fisheries Association, Inc., et al., v. Carlos Gutierrez, Secretary, United States Department of Commerce*, Case No. 06-1815 (D.O.C. 2006)). The Court found that a plan to rebuild snowy grouper and black sea bass should have been included in Amendment 13C because those two species were overfished. The Court then issued an Order on October 2, 2007, requiring, among other things, the Secretary to approve, amend, or disapprove Amendment 15A by March 14, 2008. Amendment 15A is intended to fulfill the Court's Order in a timely manner.

## Proposed Provisions of Amendment 15A

Amendment 15A proposes updated management reference points for snowy grouper, black sea bass, and red porgy based on the most recent stock assessments; modifies rebuilding schedules for snowy grouper and black sea bass; proposes rebuilding strategies for snowy grouper, black sea bass, and red porgy; and redefines the minimum stock size threshold (MSST) for the snowy grouper stock.

New biological reference points for snowy grouper would include a maximum sustainable yield (MSY) of 313,056 lb (142,000 kg) whole weight (ww), an optimum yield (OY) of 303,871 lb (137,834 kg) ww, and an MSST of 3,498,735 lb (1,587,000 kg) ww that would establish a larger buffer between what is considered to be an overfished and a rebuilt condition. This amendment proposes to establish a 34-year rebuilding schedule for snowy grouper based on the maximum recommended period of time needed to rebuild the stock, where 2006 is year 1. The rebuilding strategy for snowy grouper specifies a 2009 total allowable catch (TAC) of 102,960 lb (46,702 kg) ww that would remain in effect until modified through subsequent action.

Based on the most recent stock assessment, Amendment 15A proposes an MSY for red porgy equal to 625,699 lb (283,812 kg) ww, and an OY equal to 608,099 lb (275,829 kg) ww. The rebuilding strategy for red porgy would maintain a constant fishing mortality rate throughout the stock's rebuilding time frame of 18 years, which began in

1999. A proposed TAC of 395,281 lb (179,296 kg) ww would remain in effect until modified through subsequent action.

Based on the most recent stock assessment for black sea bass in the South Atlantic region, Amendment 15A proposes an MSY equal to 2,777,825 lb (1,260,000 kg) ww, and an OY equal to 2,742,551 lb (1,244,000 kg) ww. Amendment 15A proposes a 10-year rebuilding schedule for black sea bass, based on the maximum recommended period of time needed to rebuild the stock, where 2006 is year 1. The rebuilding strategy for black sea bass would maintain constant catch during the rebuilding time frame, with a proposed 2009 TAC of 847,000 lb (384,193 kg) ww, which would remain in effect until modified through subsequent action.

## Procedural Aspects of Amendment 15A

The Council has submitted Amendment 15A for Secretarial review, approval, and implementation. NMFS' decision to approve, partially approve, or disapprove Amendment 15A will be based, in part, on consideration of comments, recommendations, and information received during the comment period on this notice of availability. After consideration of these factors, and consistency with the Magnuson-Stevens Act and other applicable laws, NMFS will publish a notice of agency action in the **Federal Register** announcing the Agency's decision to approve, partially approve, or disapprove Amendment 15A, and the associated rationale. Because none of the measures included in the amendment involve regulatory changes, no proposed or final rule is required at this time. If approved, the provisions of Amendment 15A would not be specified in regulations but would be considered to be an amendment to the FMP. Any subsequent regulatory management measures resulting from the rebuilding plan, would be implemented via plan amendment or regulatory amendment with associated proposed rules, public comment, and final rules.

## Consideration of Public Comments

Public comments received by 5 p.m. eastern time, on February 26, 2008, will be considered by NMFS in the approval/disapproval decision regarding Amendment 15A.

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

Dated: December 20, 2007

**James P. Burgess,**

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.  
[FR Doc. E7-25248 Filed 12-27-07; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 070717340-7550-01]

RIN 0648-AV40

**Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures**

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

**ACTION:** Proposed rule, request for comments.

**SUMMARY:** NMFS proposes 2008 specifications and management measures for Atlantic mackerel, squid, and butterfish (MSB). This action also proposes to modify existing management measures. Specifically, it would clarify gear requirements for the *Loligo* squid fishery, standardize procedures for closing the Atlantic mackerel (mackerel) and butterfish fisheries, modify incidental possession limits for mackerel and butterfish, and establish a butterfish possession limit. Additionally, this action requests public comment concerning the possibility of an inseason adjustment to increase the mackerel harvest, if landings approach proposed harvest limits. These proposed specifications and management measures promote the utilization and conservation of the MSB resource.

**DATES:** Public comments must be received no later than 5 p.m., eastern standard time, on January 28, 2008.

**ADDRESSES:** Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (Council), including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790. The EA/RIR/IRFA is accessible via the Internet at <http://www.nero.nmfs.gov>.

You may submit comments, identified by 0648-AV40, by any one of the following methods:

**Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking portal <http://www.regulations.gov>;

**Fax:** (978) 281-9135, Attn: Carrie Nordeen;

**Mail to** Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on 2008 MSB Specifications".

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF formats only.

**FOR FURTHER INFORMATION CONTACT:**

Carrie Nordeen, Fishery Policy Analyst, 978-281-9272, fax 978-281-9135.

**SUPPLEMENTARY INFORMATION:**

**Background**

Regulations implementing the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) appear at 50 CFR part 648, subpart B. Regulations governing foreign fishing appear at 50 CFR part 600, subpart F. These regulations, at § 648.21 and 600.516(c), require that NMFS, based on the maximum optimum yield (Max OY) of each fishery as established by the regulations, annually publish a proposed rule specifying the amounts of the initial optimum yield (IOY), allowable biological catch (ABC), domestic annual harvest (DAH), and domestic annual processing (DAP), as well as, where applicable, the amounts for total allowable level of foreign fishing (TALFF) and joint venture processing (JVP) for the affected species managed under the FMP. In addition, these regulations allow *Loligo* squid specifications to be specified for up to 3 years, subject to annual review. The regulations found in § 648.21 also specify that IOY for squid is equal to the combination of research quota (RQ) and DAH, with no TALFF specified for squid. For butterfish, the regulations specify that a butterfish bycatch TALFF will be specified only if TALFF is specified for mackerel.

At its June 12–14, 2007, meeting in Hampton, VA, the Council recommended 2008 MSB specifications. The recommended specifications for *Loligo* squid and *Illex* squid are the same as those implemented in 2007. For mackerel, the Council recommended a reduced ABC, based on an updated fishing mortality target from the most recent stock assessment. The IOY, DAH, DAP, JVP, and TALFF recommended for mackerel are the same as those implemented in 2007. For butterfish, the Council recommended reducing the ABC, IOY, DAH, and DAP to levels approximating recent landings while a butterfish rebuilding program is being developed in Amendment 10 to the FMP. The Council also recommended modifying existing management measures. Specifically, it recommended clarifying gear requirements for the *Loligo* squid and butterfish fisheries, adjusting triggers and incidental possession limits associated with closures of the mackerel and butterfish fisheries, and establishing a butterfish possession limit.

For 2008, the Council recommended the consideration of RQ of up to 3 percent of the IOY for *Loligo* and *Illex* squid, butterfish, and mackerel. The RQ would fund research and data collection for those species. A Request for Research Proposals was published to solicit proposals for 2008 based on research priorities previously identified by the Council (71 FR 77726, December 27, 2006). The deadline for submission was February 12, 2007. On June 12, 2007, NMFS convened a Review Panel to review the comments submitted by technical reviewers. Based on discussions between NMFS staff, technical review comments, and Review Panel comments, one project proposal requesting *Loligo* squid set-aside landings was recommended for approval and will be forwarded to the NOAA Grants Office for award, for a total RQ of up to 23 mt. The commercial *Loligo* squid quota in this proposed rule has been adjusted to allow for RQ. If the award is not made by the NOAA Grants Office for any reason, NMFS will give notice of an adjustment to the annual quota to return the unawarded set-aside amount to the fishery.

*Disapproval of Increased Incidental *Loligo* Squid Possession Limit for the *Illex* Squid Vessels*

The issue of incidental catch of *Loligo* squid in the *Illex* squid fishery was identified several years ago when large amounts of *Loligo* squid discards were reported in vessel trip reports by *Illex* squid vessels during closures of the directed *Loligo* squid fishery in the