

Tortugas Amendment would amend the aforementioned FMPs to establish the portion of the Tortugas North ecological reserve that falls within the Gulf of Mexico EEZ and to establish the Tortugas South ecological reserve, which resides entirely within the EEZ. The Tortugas North reserve encompasses an area of 120 square nautical miles (nm<sup>2</sup>); the Tortugas Amendment would establish a 13 nm<sup>2</sup> portion of this reserve in the EEZ. The Tortugas South reserve encompasses 60 nm<sup>2</sup>, which includes the Riley's Hump mutton snapper spawning aggregation site proposed by the Council and approved and implemented by NMFS in 1994.

The Tortugas Amendment proposes that fishing for any species, including Atlantic highly migratory species (Atlantic HMS), be prohibited within these marine reserves. Additionally, anchoring by all fishing vessels would be prohibited within the marine reserves. These fishing and anchoring prohibitions are intended to achieve the maximum benefits (see discussion above) from the two marine reserves over their initially anticipated duration of 10 years.

Under the Magnuson-Stevens Act, NMFS, acting on behalf of the Secretary of Commerce, has full management responsibility for Atlantic HMS. In its Tortugas Amendment, the Council proposed that its fishing and anchoring prohibitions within the reserves apply to Atlantic HMS for several reasons, including significant enforcement considerations as well as overall biological benefits to the marine reserve ecosystem. The U.S. Coast Guard and NMFS advised the Council that unless fishing for all species and anchoring of all fishing vessels was prohibited within the Tortugas Reserves, there was no way to enforce adequately such prohibitions for just those species managed under the Council's FMPs. Regarding the biological benefits of protecting Atlantic HMS species within the reserves, the region serves as a spawning ground for a variety of Atlantic HMS, including bluefin tuna. The Tortugas region has also been identified under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks as constituting a portion of the essential fish habitat for several tuna species and a variety of shark species. After considering the public comment received on the Tortugas Amendment and on its proposed rule, if NMFS adopts the proposed fishing and anchoring prohibition measures as applied to Atlantic HMS, it would implement such measures through its rulemaking authority for these species pursuant to

section 304(g) of the Magnuson-Stevens Act and the regulatory adjustment framework provisions of the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks.

The Council proposes that the marine reserves be established for a period of at least 10 years, during which the ecological benefits of the reserves will be evaluated. The prohibition on fishing and anchoring of fishing vessels should minimize human disturbances in the Tortugas reserves and help to restore and maintain their ecological integrity, including a full assemblage of fish, coral, and other benthic invertebrates. The reserves will also create a reference or baseline area for studying human impacts on coral reef ecosystems.

In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the Tortugas Amendment, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Comments received by May 7, 2001, whether specifically directed to the Tortugas Amendment or to the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the Tortugas Amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the Tortugas Amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: March 1, 2001.

**Bruce C. Morehead,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 022701H]

### Fisheries of the Northeastern United States; Environmental Impact Statement (EIS) for Amendment 13 to the Surfclam and Ocean Quahog Fishery Management Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent to prepare an EIS; scoping meeting; request for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) intends to prepare an EIS, or supplementary EIS (SEIS) under the National Environmental Policy Act (NEPA) to assess the potential effects on the human environment of its proposed action to initiate Amendment 13 to the Fishery Management Plan for Surfclams and Ocean Quahogs (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The amendment currently would incorporate a new surfclam overfishing definition, multi-year quotas, a reversal of the requirement for regulatory action to suspend the surfclam size limit, development of a vessel monitoring system (VMS), and analyses of fishing gear impacts on essential fish habitat (EFH) for both species. The Council will hold a public scoping meeting and accept written comments to determine the need for an EIS or SEIS and the scope of issues to be addressed.

**DATES:** The Council will accept written comments through April 6, 2001. A public scoping meeting will be held Wednesday, March 21, 2001 from 1-3 p.m.

**ADDRESSES:** Send comments to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904. Comments may also be sent via facsimile (fax) to 302-674-5399. The Council will not accept comments via e-mail or the Internet.

The scoping meeting will be held at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609-368-5155.

**FOR FURTHER INFORMATION CONTACT:** Daniel T. Furlong, Executive Director of the Mid-Atlantic Fishery Management Council, 302-674-2331, ext. 19.

**SUPPLEMENTARY INFORMATION:** The Council announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to the development of Amendment 13 to the FMP. There are five issues currently to be addressed in this amendment: (1) A new surfclam overfishing definition, (2) multi-year quotas, (3) a reversal of the requirement for regulatory action to suspend the surfclam size limit, (4) development of a VMS, and (5) analyses of fishing gear impacts on EFH for both species. The analyses of fishing gear

impacts on EFH are necessary to remedy previously disapproved sections of the FMP. In addition, the EIS/SEIS would evaluate changes to the fishery and its effects on the human environment, since the last EIS for this FMP was prepared in 1990. The FMP amendment will be prepared by the Mid-Atlantic Council in cooperation with NMFS.

#### Public Scoping Meeting

The public scoping meeting will be held on Wednesday, March 21, 2001, from 1-3 p.m., at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609-368-5155. The meeting will be held in conjunction with a meeting of the Council at the same time and location.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council, telephone 302-674-2331, ext. 18, at least 5 days prior to the hearing date.

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

Dated: March 2, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, national marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 022701E]

#### Fisheries of the Northeastern United States; Environmental Impact Statement (EIS) for Amendment 13 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent to prepare an EIS; scoping meeting; request for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) intends to prepare an EIS, or supplementary EIS (SEIS) under the National Environmental Policy Act (NEPA), to assess the potential effects on the human environment of its proposed action to initiate Amendment 13 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The amendment currently would incorporate development of new commercial management measures for the black sea bass fishery, and analyses of fishing gear impacts on essential fish habitat (EFH) for all three species. The Council will hold a public scoping meeting and accept written comments to determine the need for an EIS or SEIS and the scope of issues to be addressed. **DATES:** The Council will accept written comments through April 6, 2001. A public scoping meeting will be held on Wednesday, March 21, 2001 from 3-5 p.m.

**ADDRESSES:** Send comments to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904. Comments may also be sent via facsimile (fax) to 302-674-5399. The Council will not accept comments via e-mail or the Internet.

The scoping meeting will be held at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609-368-5155.

**FOR FURTHER INFORMATION CONTACT:** Daniel T. Furlong, Executive Director of the Mid-Atlantic Fishery Management Council, 302-674-2331, ext. 19.

**SUPPLEMENTARY INFORMATION:** The Council announces a public process for

determining the scope of issues to be addressed and for identifying the significant issues related to the development of Amendment 13 to the FMP. There are two issues currently to be addressed in this amendment: (1) Development of new commercial management measures for the black sea bass fishery, and (2) analyses of fishing gear impacts on EFH for all three species. The analyses of fishing gear impacts on EFH are necessary to remedy previously disapproved sections of the FMP. In addition, the EIS/SEIS would incorporate changes to the fishery and its effect on the human environment, since the last EIS was prepared in 1992 for summer flounder and in 1996 for scup and black sea bass. The FMP amendment will be prepared by the Mid-Atlantic Council in cooperation with NMFS.

#### Public Scoping Meeting

The public scoping meeting will be held on Wednesday, March 21, 2001, from 3-5 p.m., at the Golden Inn, Oceanfront at 78th Street, Avalon, NJ, telephone 609-368-5155. The meeting will be held in conjunction with a meeting of the Council at the same time and location.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council, telephone 302-674-2331, ext. 18, at least 5 days prior to the hearing date.

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

Dated: March 2, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, national Marine Fisheries Service.*

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