

**List of Subjects in 50 CFR Part 16**

Fish, Import, Reporting and recordkeeping, Transportation, Wildlife.

**PART 16—INJURIOUS WILDLIFE**

1. The authority citation continues to read as follows:

**Authority:** 18 U.S.C. 42.

2. We amend § 16.11 by adding paragraph (a)(7) to read as follows:

**§ 16.11 Importation of live wild mammals.**

(a) \* \* \*

(7) Any rush-tailed possum (*Trichosurus vulpecula*).

\* \* \* \* \*

Dated: November 3, 1999.

**Donald J. Barry,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 99-28490 Filed 11-1-99; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 990621165-9165-01; I.D. 022599A]

RIN 0648-AL43

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Essential Fish Habitat (EFH) for Species in the South Atlantic; Amendment 4 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region (Coral FMP)**

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

**ACTION:** Supplement to the proposed rule; request for comments.

**SUMMARY:** NMFS issues this supplement to the proposed rule for Amendment 4 to the Coral FMP, which is contained in the Comprehensive Amendment Addressing Essential Fish Habitat in Fishery Management Plans of the South Atlantic Region (EFH Amendment). The supplement is intended to provide information inadvertently omitted from the summary of the initial regulatory flexibility analysis (IRFA) published in the proposed rule to implement Amendment 4 to the Coral FMP. Specifically, this supplement summarizes IRFA information regarding the economic impact the proposed rule would have on the shark, grouper, and tilefish fisheries.

**DATES:** Written public comments on this supplement to the proposed rule for Amendment 4, the IRFA, and the original proposed rule for Amendment 4 will be accepted until December 2, 1999.

**ADDRESSES:** Written comments should be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St Petersburg, FL 33702. Copies of the IRFA are available from the Southeast Regional Office.

**FOR FURTHER INFORMATION CONTACT:** Michael Barnette, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** This supplement to the proposed rule for Amendment 4 to the Coral FMP republishes, for the convenience of the public, the portion of the classification section of the proposed rule for Amendment 4 (64 FR 37082; July 9, 1999) that addressed the Regulatory Flexibility Act and adds information inadvertently omitted from the classification section relevant to the economic impact the proposed rule would have on the shark, grouper, and tilefish fisheries.

**Classification**

The EFH Amendment contains Amendment 4 to the Coral FMP (Actions 3A and 3B in the EFH Amendment). Except for Actions 3A and 3B, the EFH Amendment does not contain measures that would result in immediate economic effects. These actions would enlarge the existing Oculina Bank HAPC, add two "satellite" HAPC areas, and prohibit bottom longline, bottom trawl, dredge, pot or trap fishing in these areas. The Council originally determined that these regulations would affect trawling for calico scallops, but suggested that there would not be a significant impact on a substantial number of small entities. NMFS reviewed the Council's suggestion and made an independent determination that certain criteria for significance, in particular the NMFS criterion of a 5 percent negative impact on revenues, may be met. NMFS also noted that information relative to the impacts on calico scallop homeported outside the east coast of Florida was not available. In an effort to supply some of the missing information, NMFS subsequently interviewed 9 vessel owners who represented 11 vessels not homeported on the east coast of Florida. The combined response was that owners of 4 of the vessels, or 36 percent of the sample, reported 5 percent or more of their calico scallop harvests as coming from the areas where trawling would be prohibited. Accordingly, NMFS determined there would be a significant impact on a

substantial number of small calico scallop entities and prepared an IRFA.

In addition to the new information gathered by NMFS, 178 fishermen have recently indicated that the expanded Oculina HAPC will have a significant impact on their historical shark and snapper/grouper species landings. These fishermen have provided NMFS with maps showing their fishing areas and have also provided information regarding the potential revenue impacts of the area to be closed to their fishing operations. NMFS subsequently contacted the Florida Department of Environmental Protection's Marine Fisheries Information System (DEP) and reviewed information from the NMFS Accumulative Landings System to obtain catch data for the offshore area encompassing the expanded Oculina HAPC. The data obtained indicate that these fishermen may be impacted by the regulations. There are two statistical areas, specifically 732.9 and 736.9, that include the expanded Oculina HAPC. In the case of sharks taken by bottom longline gear in 1997, the DEP data show a catch of 289,316 pounds (131,234 kg) while similar NMFS data indicate a catch of 295,529 pounds (134,052 kg) for areas 732.9 and 736.9 combined. These landings are from large areas that encompass the expanded Oculina HAPC, so a smaller, but an unknown portion of the landings may have been taken from the expanded Oculina HAPC. Due to a continuing lack of definitive information regarding the significance of the proposed actions on small business entities, including firms that engage in trawling for calico scallops and firms that engage in bottom longline fishing for sharks and snapper-grouper species, NMFS is soliciting additional information during the public comment period on this supplement to the proposed rule. Any new information which becomes available during the public comment period will be carefully reviewed by NMFS and will be used in developing the Final Regulatory Flexibility Analysis for the final rule. A summary of the IRFA follows.

The proposed action responds to the Magnuson-Stevens Act requirements to identify essential fish habitats and to minimize any fishing related damage to these habitats. The overall objective of the proposed rule is to identify and maintain essential fish habitats. The Magnuson-Stevens Act provides the legal basis for the rule. Most of the provisions of the proposed rule would result in regulations that would not have cost or revenue effects on small entities. However, a proposal to enlarge

an existing protected area, called the Oculina Bank HAPC, would also prohibit the use of bottom tending gear in the expanded Oculina HAPC. This portion of the proposed rule would apply to about 25 small fishing businesses that have historically participated in the calico scallop fishery. Most of the vessels used by these small businesses were not built specifically for harvesting calico scallops, but are shrimp trawling vessels using modified gear. In 1997, the industry had landings that generated gross revenues of \$1.3 million, which indicates that gross revenue per vessel averaged about \$52,000. Complete information regarding variability of revenues among vessels does not exist, but it is known with reasonable certainty that the actual landings of calico scallops and the associated revenues would show a considerable amount of variation among the 25 vessels in the industry, and differential impacts are expected.

Other information indicates the possibility that bottom longline fishermen who land sharks and snapper-grouper species may be impacted by the prohibition on the use of bottom tending gear in the expanded Oculina HAPC. According to information contained in the Final Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks, dated April 1999, there were 802 shark fishermen who reported landings in 1997 and are permitted under regulations governing the Highly Migratory Species fisheries. The information confirms that these fishermen also target other species, including snapper-grouper. During the winter, the directed shark fishery is concentrated in the southeastern United States, particularly in Florida. However, it is known that the universe of 802 shark fishermen includes firms that specialize in the use of pelagic longline gear and only a portion of the 802 permitted fishermen harvest sharks and other species from the two statistical areas containing the expanded Oculina HAPC. Specifically, available information indicates that the bottom longline fishermen targeting sharks and snapper-grouper species in the general area encompassing the Oculina HAPC utilize fishing craft in the 30 to 49-foot (9 to 15-m) category, take trips that average 7 to 10 days, incur variable expenses of \$3,683 per trip, generate gross revenues ranging from \$5,954 to \$7,145 per trip and realize annual returns to the owner, captain, and crew that range from \$34,000 to \$51,000. Regarding compliance costs, there are

no additional reporting, recordkeeping, or other compliance costs associated with the proposed action, and no existing duplicative, overlapping, or conflicting Federal rules have been identified. Two alternatives were considered and rejected. One of the alternatives considered was no action. While this option obviously would have no impact on small business entities, it was rejected since it would provide no additional protection for essential fish habitats. The other alternative would expand the Oculina Bank HAPC by a greater area than required by the proposed alternative. This option would provide additional protection to essential fish habitats but would result in the closure of a major portion of the known historic fishing grounds for calico scallops and would result in major negative impacts on the calico scallop industry. The resulting negative economic impacts were deemed to be greater than the benefits that would accrue from the additional protection for essential fish habitats, and the alternative was rejected on that basis.

Copies of the IRFA are available (see ADDRESSES).

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

Dated: October 22, 1999.

**Andrew A. Rosenberg,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 622 and 654

[Docket No. 991021283-9283-01; I.D. 072699D]

RIN 0648-AL81

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of the Gulf of Mexico; Addition to FMP Framework Provisions; Stone Crab Gear Requirements**

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

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

**SUMMARY:** NMFS proposes regulations to implement those provisions of the Generic Sustainable Fisheries Act Amendment to the Fishery Management Plans (FMPs) of the Gulf of Mexico (SFA

Amendment) that would modify the framework regulatory adjustment procedures in the FMPs for reef fish, red drum, and coastal migratory pelagics. These FMP framework modifications would allow timely addition of various stock population parameters to the appropriate FMP(s), including biomass-based estimates of minimum stock size thresholds (MSSTs), optimum yield (OY), maximum sustainable yield (MSY), stock biomass that would be achieved by fishing at MSY ( $B_{MSY}$ ), and maximum fishing mortality thresholds (MFMTs). These regulations also would revise the stone crab trap construction requirements, as proposed by the SFA Amendment. The intended effects are to provide a more timely mechanism for incorporating stock population parameters into the applicable FMPs when such information becomes available and to establish stone crab trap construction regulations that are compatible with those of the State of Florida and that will reduce finfish bycatch.

**DATES:** Written comments must be received on or before December 17, 1999.

**ADDRESSES:** Comments on this proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the SFA Amendment, which includes an environmental assessment and a regulatory impact review, should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; Phone: 813-228-2815; Fax: 813-225-7015; E-mail: gulf.council@noaa.gov.

**FOR FURTHER INFORMATION CONTACT:** Roy Crabtree, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The SFA Amendment addresses fisheries under the FMPs for coral and coral reef resources, coastal migratory pelagics, red drum, reef fish, shrimp, spiny lobster, and stone crab. The FMPs were prepared by the Gulf of Mexico Fishery Management Council (Council), except for the FMPs for coastal migratory pelagics and spiny lobster that were prepared jointly by the South Atlantic and Gulf of Mexico Fishery Management Councils. All of these FMPs, except the spiny lobster and stone crab FMPs, are implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. The Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of