APPENDIX A: Federal Register Notice of Intent (72 FR 7016; 02/14/17)

motherboards after importation. The scope of this order does not include DRAMS or memory modules that are re–imported for repair or replacement.

The DRAMS subject to this order are currently classifiable under subheadings 8542.21.8005 and 8542.21.8020 through 8542.21.8030 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The memory modules containing DRAMS from the ROK, described above, are currently classifiable under subheadings 8473.30.10.40 or 8473.30.10.80 of the HTSUS. Removable memory modules placed on motherboards are classifiable under subheadings 8471.50.0085, 8517.30.5000, 8517.50.1000, 8517.50.5000, 8517.50.9000, 8517.61.0000, 8517.62.0010, 8517.62.0050, 8517.69.0000, 8517.70.0000, 8517.90.3400, 8517.90.3600, 8517.90.3800, 8517.90.4400, 8542.31.00, 8542.32.0001, 8542.32.0020, 8542.32.0021, 8542.32.0022, 8542.32.0023, 8542.33.0000, 8542.39.0000, and 8543.89.9600 of the HTSUS.

Scope Rulings

On December 29, 2004, the Department received a request from Cisco Systems, Inc. (''Cisco''), to determine whether removable memory modules placed on motherboards that are imported for repair or refurbishment are within the scope of the *CVD Order. See Notice of Countervailing Duty Order: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 47546 (August 11, 2003) (''*CVD Order*''). The Department initiated a scope inquiry pursuant to 19 CFR 351.225(e) on February 4, 2005. On January 12, 2006, the Department issued a final scope ruling, finding that removable memory modules placed on motherboards that are imported for repair or refurbishment are not within the scope of the *CVD Order* provided that the importer certifies that it will destroy any memory modules that are removed for repair or refurbishment. *See* Memorandum from Stephen J. Claeys to David M. Spooner, regarding Final Scope Ruling, Countervailing Duty Order on DRAMs from the Republic of Korea (January 12, 2006).

Period of Review

The period for which we are measuring subsidies, *i.e.*, the period of review (''POR''), is January 1, 2004, through December 31, 2004.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the February 7, 2007, *Issues and Decision Memorandum for the Final Results in the Second Administrative Review of the Countervailing Duty Order on Dynamic Random Access Memory Semiconductors from the Republic of Korea (''Decision Memorandum'')* from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit, Room B–099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at http://ia.ita.doc.gov/frn/index.html. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for the producer/exporter, Hynix. For the period January 1, 2004, through December 31, 2004, we find the *ad valorem* net subsidy rate for Hynix is 31.86 percent.

Assessment Rates

The Department will instruct CBP to liquidate shipments of DRAMS by Hynix entered or withdrawn from warehouse, for consumption from January 1, 2004, through December 31, 2004, at 31.86 percent *ad valorem* of the entered value.

Cash Deposits

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties at 31.86 percent *ad valorem* of the entered value on all shipments of the subject merchandise from Hynix, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

We will instruct CBP to continue to collect cash deposits for non–reviewed companies at the most recent company–specific rate applicable to the company. The Department has previously excluded Samsung Electronics Co., Ltd. from this order. *See Notice of Amended Final Affirmative Countervailing Duty Determination: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 44290 (July 28, 2003). Thus, the ''all others'' rate shall apply to all non–reviewed companies until a review of a company assigned this rate is requested.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are issued and published in accordance with section 751(a)(1) of the Act.

Dated: February 7, 2007.

David M. Spooner,

Assistant Secretaryfor Import Administration.

Appendix I

Comments in the Issues and Decision Memorandum

Comment 1: Benefit to Hynix of the 2004 Cash Buyout Program.
Comment 2: The Department's Failure to Investigate Thoroughly the GOK's Entrustment or Direction of Hynix's Creditors in Connection with the CBO Components of the Non–Memory Asset Sale.
Comment 3: Entrustment or Direction of Hynix's Creditors in Connection with the Tranche A Acquisition Financing and CBO Components of the Non–Memory Asset Sale.
Comment 4: Whether the Department Should Have Investigated Hynix's Sale of Its LCD and Non–Memory Assets.
Comment 5: Uncreditworthy Benchmark Interest/Discount Rate.

[FR Doc. E7–2562 Filed 2–13–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020707B]

National Standard 1 Guidelines; Notice of Intent to Prepare an Environmental Impact Statement

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

ACTION: Notice of intent (NOI) to prepare an environmental impact statement

(EIS); request for comments; notice of a public scoping meeting.

SUMMARY: NMFS announces its intent to prepare an EIS and commencement of a scoping period in accordance with the National Environmental Policy Act (NEPA) of 1969 to analyze alternatives for guidance regarding annual catch limit (ACL) and accountability measures (AM) and other overfishing provisions of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA). Such guidance would be added to the National Standard 1 (NS1) guidelines.

DATES: Written comments must be received by April 2, 2007. A public scoping meeting will be held at the NMFS Silver Spring headquarters office on March 9, 2007 (see **ADDRESSES**) from 9a.m. through 3p.m.

ADDRESSES: The scoping meeting will be held at 1315 East-West Highway; Room 4527; Silver Spring, Maryland, 20910. NMFS may hold additional scoping meetings and informal public meetings during the scoping period.

You may submit comments on issues and alternatives, by any of the following methods:

- E-mail: *annual.catch.limitDEIS@noaa.gov*. Include ''Scoping comments on annual catch limit DEIS'' in the subject line of the message.
- Fax: 301–713–1193.
- Mail: Mark Millikin; National Marine Fisheries Service, NOAA; 1315 East-West Highway; Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Mark Millikin, National Marine Fisheries Service, 301–713–2341.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is available on the Government Printing Office's website at: *www.gpoaccess.gov/fr/index/html*.

Background

The MSRA, signed into law by President Bush on January 12, 2007, set forth new requirements related to overfishing, including new ACL and AM provisions for federally managed fisheries in the U.S. exclusive economic zone (EEZ). NMFS is initiating this action to develop guidance related to these new provisions, specifically, requirements set forth under sections 103(b)(1) and (c)(3), 104(a)(10), (b), and (c) of the MSRA. NMFS intends to revise the National Standard 1 (NS1) Guidelines, 50 CFR 600.310, through a proposed and final rule to incorporate guidance of these MSRA sections before the end of 2007. Because of potential policy implications of these MSRA provisions on Federal fishery management plans (FMPs and plans) and their stocks, NMFS has decided to issue this NOI. However, as it develops this action, NMFS will continue to re-evaluate the environmental review and analyses needed for NEPA purposes.

Public Scoping Process

To help determine the scope of issues to be addressed and to identify significant issues related to this action, NMFS is soliciting written comments on this NOI through April 2, 2007, and will hold a public scoping meeting at the NMFS Silver Spring Headquarters, Building III, Room 4527, 9a.m. through 3p.m. on March 9, 2007. After considering comments received during the scoping process, NMFS will either develop a draft environmental impact statement (DEIS) and proposed rule or an environmental assessment (EA) and proposed rule. If NMFS issues a DEIS, it will provide for a 45-day comment period concurrent with public hearings. If NMFS issues a DEIS, then it will also issue a final environmental impact statement (FEIS). Following an EIS or EA and proposed rule, NMFS will issue a final rule in the **Federal Register**.

Magnuson-Stevens Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) amended in 1996 by the Sustainable Fisheries Act, is the chief authority for fisheries management in the U.S. EEZ. The Act requires, among other things, achieving optimum yield on a continuing basis, preventing overfishing, and rebuilding overfished stocks in as short a time as possible. Section 301(a) of the Magnuson-Stevens Act contains 10 national standards (NS) with which all FMPs and their amendments and implementing regulations must be consistent. Section 301(b) requires that ''the Secretary establish advisory guidelines (which shall not have the force and effect of law), based on the national standards to assist in the development of fishery management plans.'' Conforming to the NS guidelines (50 CFR part 600, subpart D) when preparing an FMP, FMP amendment and regulations is essential to properly addressing the intentions of Congress when it established and revised the Magnuson-Stevens Act. The NS guidelines, most notably NS1, are often cited in Court cases, and judges frequently refer to them when considering the merits of an FMP or FMP amendment and its regulations.

NS1 provides that ''Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.'' 16 U.S.C. 1851(a)(1). As this action focuses on MSRA's overfishing provisions, NMFS believes that it is appropriate to incorporate guidance on those provisions in the NS1 guidelines at 50 CFR 600.310.

Ending overfishing of stocks undergoing overfishing, preventing overfishing of stocks approaching overfishing, and rebuilding overfished stocks to levels of abundance that can produce maximum sustainable yield (MSY) on a continuing basis, are essential to achieving the objectives and goals of the Magnuson-Stevens Act. Ending overfishing is paramount to more rapid and more certain rebuilding. According to the NS1 guidelines, overfishing occurs whenever the annual fishing mortality rate (F) is greater than the maximum fishing mortality threshold (MFMT), 50 CFR 600.310(d)(2)(i). Continued overfishing will depress a stock, on average, below the level that can produce MSY. While some rebuilding of stock abundance can occur if F is slightly greater than MFMT, rebuilding rates are more rapid when overfishing does not occur, and rebuilding occurs faster, the more that F is reduced below MFMT.

MSRA Section 104(a)(10): ACLs and AMs

During the comment period on this NOI, and throughout development of this action, NMFS will seek input from the Councils and the public on implementation of the new MSRA overfishing provisions. To facilitate public comment in the following sections NMFS provides its preliminary interpretation of the new provisions, followed by an explanation of statutory deadlines and other timing considerations.

Section 104(a)(10) of the MSRA amends section 303(a) of the Magnuson-Stevens Act to require that any FMP shall ''establish a mechanism for specifying annual catch limits in the plan (including a multi-year plan), implementing regulations and annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.'' Species that have a life cycle of approximately 1 year (e.g., possibly some shrimp or squid species) are exempt from the requirements, unless the Secretary determines the species is undergoing overfishing. In addition, the ACL/AM requirements would not apply if ''otherwise provided

for under an international agreement.'' Thus, the ACL/AM requirements may be applicable for some species managed under international agreements.

Apart from the above exemptions, NMFS believes that section 104(a)(10) requires ACL/AM mechanisms for each federally-managed ''stock or stock complex'' contained in an FMP. Under the NS guidelines, ''stock or stock complex'' is used as a synonym for ''fishery,'' and is defined as ''one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographic, scientific, technical, recreational, or economic characteristics...'' (50 CFR 600.305(c)(12)).

NMFS understands an ACL to mean a specified amount of a fish stock (e.g., measure of weight or numbers of fish) for a fishing year that is a target amount of annual total catch that takes into account projected estimates for landings and discard mortality from all user groups and sectors. Per the MSRA, the ACL must be set ''at a level such that overfishing does not occur in the fishery.'' Under the NS1 guidelines, overfishing of the stock occurs when MFMT is exceeded (50 CFR 600.310(d)(2)(i)). Thus, it is important to clarify the relationship between the ACL and the MFMT. While the MFMT is expressed as a rate of fishing, NMFS may recommend that FMPs be amended so that annual catch levels corresponding to MFMT—an overfishing level (OFL)—are specified along with ACLs in comparable units (e.g., weight or numbers of fish) to ACLs, to facilitate subsequent monitoring against the ACL. The OFL would be the maximum amount of annual catch from all sources (landings and discard mortality from all sectors) which does not result in overfishing. Once the ACL is reached, or projected to be reached, AMs established in the FMP will ensure that overfishing does not occur, or is appropriately mitigated (e.g., through payback provisions).

NMFS believes that the extent of future management success using ACLs will depend largely upon ACLs being set sufficiently below the OFL for a fish stock, i.e., the size of the buffer needed between the OFL and ACL, to reduce the chance of exceeding the OFL. The types of ACLs used for a stock may vary depending upon the quality of data available for a fish stock and the fishery management goals. The size of the buffer needed between the ACL and OFL would depend upon quality of data available including: Knowledge of the stock's life history; availability and accuracy of current fishing year landings and historical landings data; accuracy and precision of fishery independent surveys; accuracy and precision of fishery dependent data; time since last stock assessment or update; frequency of stock assessments; discard mortality; recreational catches; and the extent of knowledge of the rate and magnitude of success or failure of recent management measures in ending or preventing overfishing for a fish stock. For discussion purposes in this NOI, ''data poor stocks'' are those stocks for which stock abundance is unknown or stock status with respect to overfishing and overfished is unknown. ''Data rich'' stocks are those for which annual catch values are known, and estimates of stock abundance or its proxy are available and sufficient to make overfishing and overfished status determinations. A broad gradation of data quality, quantity, and timeliness exists for various stocks which affects the accuracy and precision of ''overfishing'' and ''overfished'' status determinations.

With regard to ''measures of accountability'' (referred to herein as accountability measures or AMs) required by MSRA section 104(a)(10), NMFS' initial interpretation is that they are part of the ACL mechanism and FMPs should contain AMs for each stock. AMs could also be used for each fishery sector. Because there are variances in: operation of fisheries, monitoring of a fishery within a fishing year, and availability of stock abundance information, it may not be feasible to set ACLs with the same level of precision for all stocks. AMs thus are intended to work with their associated ACLs to prevent overfishing of a stock from occurring. AMs could take the form of inseason management techniques that prevent the ACL from being exceeded in a given year (e.g., closures, or restrictions on retention of a stock), and/or corrective actions that will be implemented in subsequent fishing years to address overages of a stock's OFL in previous fishing years (e.g., reduction of a subsequent year's ACL), and to ensure that overfishing is ended.

MSRA Section 103(b) and (c)(3): Scientific and Statistical Committees (SSCs)

Section 103(b) of MSRA includes new provisions relating to SSCs and peer review processes. Among other things, it specifies that SSCs shall provide their Councils with ''ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts on management measures, and sustainability of fishing practices.'' Section 103(b) also provides for the establishment of peer review processes. With regard to ACLs, section 103(c)(3) provides that a Council shall ''develop ACLs for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g).''

NMFS views these provisions as providing the SSCs or peer review processes with an important role in Council development of ACL mechanisms. NMFS would expect that SSCs or peer review processes would not only need to produce calculations of ACL and OFL, but also the probability that an ACL in combination with other factors such as retrospective patterns in stock assessments, e.g., overestimating stock abundance and underestimating actual fishing mortality rate (F), would or would not result in OFL being exceeded.

MSRA Section 104(c) revises the rebuilding provisions of section 304(e) of the Magnuson-Stevens Act to require that, when a Council is notified that a stock is overfished, the Council shall — within 2 years after such notification — submit and implement an FMP, FMP amendment, or proposed regulations to end overfishing ''immediately,'' and rebuild the overfished stock in as short a time as possible. NMFS' preliminary review is that, because an FMP, FMP amendment, or regulations need to be implemented within 2 years of notification, a Council would need to submit the relevant action sufficiently in advance of the 2-year deadline (i.e., approximately one year and six months after notification) to ensure sufficient time (six months) for NMFS, on behalf of the Secretary, to finalize and implement the action.

Statutory Deadlines and Other Timing Considerations

Per MSRA section 104(b), the ACL and AM requirements take effect in fishing year 2010, for stocks determined by the Secretary to be undergoing overfishing. Thus, NMFS believes that the Councils and NMFS would have to plan to have ACL and AM mechanisms in place for all stocks in their FMPs that can be used beginning with the 2010 fishing year, because it is unknown what stocks NMFS will have determined as undergoing overfishing just before the beginning of the 2010

fishing year. Stocks not determined to be undergoing overfishing will need ACLs and AMs by the 2011 fishing year, including stocks with unknown or undefined status regarding overfishing (i.e., the new requirement applies also to data poor stocks).

MSRA section 104(c), which revises the requirements for rebuilding overfished fisheries, takes effect 30 months after the enactment of the MSRA, i.e., effective date of July 12, 2009. Thus, any fisheries determined to be overfished by the Secretary after that date would fall under the MSRA amendments to the rebuilding provisions of section 304(e)(3), instead of the current Magnuson-Stevens Act section 304(e)(3) provisions. Pursuant to the Magnuson-Stevens Act section 304(e)(3), within one year of being notified by NMFS, that a stock is overfished, a Council needs to prepare and submit an FMP, FMP amendment, or proposed regulations to rebuild the overfished stock and end overfishing. As discussed earlier, under the MSRA amendments to section 304(e)(3), within two years of being notified by NMFS, anytime on or after July 12, 2009, that a stock is overfished, a Council needs to prepare and NMFS needs to implement an FMP, FMP amendment, or proposed regulations to rebuild the overfished stock and end overfishing immediately.

NMFS intends to complete its revisions of the NS1 guidelines pertaining to this action before the end of 2007. Upon implementation of the final rule, NMFS will review each Council's current provisions for ACLs and AMs and recommend any revisions it deems are appropriate. Some FMPs may already contain management measures that will meet the definition (or forthcoming criteria) of ACLs and AMs. If not, the FMPs will need to be amended to establish or revise ACLs and associated AMs consistent with the MSRA requirement and revised NS1 guidelines, by the relevant statutory deadlines.

NMFS previously issued an advance notice of proposed rulemaking (68 FR 7492, February 14, 2003), and a proposed rule (70 FR 36240, June 22, 2005), to revise the NS1 guidelines. NMFS did not issue a final rule because it decided to wait to see if the Magnuson-Stevens Act would be reauthorized before revising the NS1 guidelines. This action is not expected to make the full set of revisions to the NS1 guidelines as was proposed in 2005, because of the urgency to establish guidance related to new provisions in the MSRA.

Issues Under Consideration

In considering potential guidance related to MSRA's overfishing provisions, NMFS has identified the following list of issues related to ACLs, AMs, and overfishing. NMFS seeks public comment on the scope of this NOI generally and the list of issues and potential alternatives for this action set forth below.

Issues for Developing Guidance for ACLs and AMs

- The role of the SSC and other peer review processes in setting ACLs and AMs
- The relationship between ACL and OY
- Revision of existing overfishing definitions to include OFL
- Variability in data currently available for each stock (e.g., data rich, data poor, and stocks with data quality falling between data rich and data poor)
- Setting ACLs for stocks with unknown status
- Circumstances in which a numerical ACL can not be set for a stock, and in such situations, recommendations for adequate and appropriate alternatives to setting a numerical ACL (e.g., prohibitions)
- Setting ACLs for stock complexes, stock assemblages, and similar stock groupings
- Variability in the accuracy of management approaches in achieving target fishing levels
- Setting a buffer between ACL and OFL to prevent overfishing, and how to determine the size of the buffer needed
- Establishing the appropriate probability that an ACL will prevent overfishing for a stock
- Establishing recommendations for inseason management authority and methods to be used as AMs to prevent overfishing
- Limiting the extent of overfishing, should it occur
- Establishing corrective actions to ensure accountability in a subsequent year for an overage of the OFL for a stock in a previous year
- Establishing AMs for various sectors of a stock, if an ACL is subdivided for a stock, and the need to still prevent exceeding the overall OFL for the stock

Preliminary ACL and AM alternatives

- No action. Do not publish ACL and AM guidelines. Councils are statutorily required to implement ACLs and AMs, but the statute provides little specificity about the meaning of these terms. Without guidelines, Councils may develop and submit FMP amendments that the Secretary determines to be inadequate. Secretarial disapproval of an FMP amendment will require the Council to modify their amendment and resubmit it, making it unlikely that measures can be implemented by the statutory deadline of 2010, for stocks subject to overfishing and 2011, for all other stocks.
- Alternative 2. Develop ACL and AM guidelines that provide performance standards that ACLs and AMs must meet, but do not provide guidance on specific mechanisms. Performance standards may be hard to develop, or it may be hard to adequately judge the degree to which proposed mechanisms will satisfy the performance standards.
- Alternative 3. Develop ACL and AM guidelines that provide performance standards that ACLs must meet, and develop ACL and AM guidelines that provide specific guidance on one or more mechanisms to implementing ACLs and AMs that NMFS considers to meet the statutory requirement and the standards for Secretarial approval.

Special Accommodations

The public meeting to be held in NMFS Silver Spring headquarters on March 9, 2007, will be accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mark Millikin (301–713–2341), by March 4, 2007.

Dated: February 9, 2007.

Alan D. Risenhoover,

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

[FR Doc. 07–681 Filed 2–9–07; 2:12 pm]

BILLING CODE 3510–22–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted a public information collection request (ICR) entitled the Application for the President's Higher Education Community Service Honor Roll to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Pub. L. 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and

APPENDIX B: Federal Register Notice (72 FR 8971; 02/28/07) announcing additional scoping meetings and extension of comment period

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022207D]

Draft Programmatic Environmental Impact Statement

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

ACTION: Notice of public hearings.

SUMMARY: NMFS will hold a series of public hearings regarding the Draft Programmatic Environmental Impact Statement (DPEIS) for Research on Steller Sea Lions and Northern Fur Seals.

DATES: See **SUPPLEMENTARY INFORMATION** for specific dates, times, and locations of public hearings for this issue.

FOR FURTHER INFORMATION CONTACT: Mike Payne or Tammy Adams, (301)713–2289.

SUPPLEMENTARY INFORMATION: On February 16, 2007, notice was published in the **Federal Register** (72 FR 7652) of the availability of the DPEIS for review and comments. Written comments on the DPEIS must be received by April 2, 2007. NMFS will hold three public hearings to inform interested parties of the alternatives analyzed and accept comments. Please be advised that a valid government-issued photo-identification will be required for entry through building security at the Silver Spring, MD and Seattle, WA hearings.

Public Hearings Agenda

Public hearings will be held at the following dates, times, and locations:

1. March 13, 2007, 1 to 4 pm; Silver Spring Metro Complex, Bldg. 4, Science Center, 1301 East-West Highway, Silver Spring, MD;
2. March 15, 2007, 4 to 7 pm; Alaska Fisheries Science Center, Bldg. 9, 7600 Sand Point Way, Seattle, WA; and
3. March 18, 2007, 5 to 8 pm; Hilton Hotel, 501 West 3rd Avenue, Anchorage, AK.

Written comments will be accepted at these hearings as well as during the comment period.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tyrone Stuckey or Dee Jenkins, 301–713–2289 (voice) or 301–427–2521 (fax), at least five business days before the scheduled meeting date.

Dated: February 22, 2007.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–3517 Filed 2–27–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022207B]

National Standard 1 Guidelines; Scoping Process

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

ACTION: Notice of scoping meetings; extension of scoping period.

SUMMARY: NMFS announces several scoping meetings for the environmental impact statement for implementation of annual catch limit (ACL) and accountability measure (AM) requirements of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA). Such guidance would be added to the National Standard 1 Guidelines. NMFS also extends the ending date of the scoping period for this action from April 2, 2007, through April 17, 2007.

DATES: Dates and locations of scoping meetings are listed below under **ADDRESSES**. Written comments must be received by April 17, 2007.

ADDRESSES: Scoping meetings will be held at the following locations:

South Atlantic Fishery Management Council Meeting, March 6, 2007, 6:30 p.m. to 7:30 p.m. at the Jekyll Island Club Hotel, Jekyll Island, GA 31527.

National Marine Fisheries Service Headquarters, Silver Spring, March 9, 2007, 9 a.m. to 3 p.m., Silver Spring Metro Center ι3 Building, Room 4527, Silver Spring, MD 20910.

Western Pacific Fishery Management Council Meeting, March 14, 2007, 7:30 p.m. to 9 p.m. at the Ala Moana Hotel, Honolulu, HI 96814.

Caribbean Fishery Management Council Meeting, March 20, 2007, 6 p.m. to 7 p.m. at the Ponce Hilton Hotel, Ponce, PR 00716.

Gulf of Mexico Fishery Management Council Meeting, March 29, 2007, 6:30 p.m. to 7:30 p.m. at the Embassy Suites Hotel, Destin, FL 32550.

NMFS may hold additional scoping meetings during the comment period that ends April 17, 2007.

You may submit comments on issues and alternatives, by any of the following methods:

- E-mail: *annual.catchlimitDEIS@noaa.gov*. Include ''Scoping comments on annual catch limit DEIS'' in subject line of the message.
- Fax: 301–713–1193
- Mail: Mark Millikin; National Marine Fisheries Service, NOAA; 1315 East-West Highway; Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Mark Millikin; National Marine Fisheries Service, 301–713–2341.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is available on the Government Printing Office's website at: *www.gpoaccess.gov/fr/index*.

Background

The MSRA, signed into law by President Bush on January 12, 2007, set forth new requirements related to overfishing, including new ACL and AM provisions for federally managed fisheries in the U.S. exclusive economic zone. NMFS initiated action through a notice of intent (NOI) to develop guidance related to these new provisions, specifically requirements set forth under sections 103(b)(1) and (c)(3), 104(a)(10), (b), and (c) of the MSRA. NMFS intends to revise the National Standard 1 (NS1) Guidelines, 50 CFR 600.310, through a proposed and final rule to incorporate guidance of these MSRA sections before the end of 2007. NMFS is seeking input on ACLs and AMs and related matters in the NS1 Guidelines. More background related to this action is contained in the NOI published on February 14, 2007 (72 FR 7016), and is not repeated here.

If NMFS is able to schedule additional scoping meetings with Regional Fishery Management Councils, it will issue additional notices in the **Federal Register**.

Special Accommodations

The public meetings listed in this notice will be accessible to people with physical disabilities. Requests for sign language interpretation and other auxiliary aids should be directed to Jennifer Ise (301–713–2341), at least 5 days before the scheduled session.

Dated: February 23, 2007.

Alan D. Risenhoover,

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

[FR Doc. E7–3507 Filed 2–27–07; 8:45 am]

BILLING CODE 3510–22–S

APPENDIX C: Federal Register Notice (72 FR 12770; 03/19/07) announcing additional scoping meetings

performance rating for optional third-year funding from ''outstanding'' to ''at least commendable'' (as defined in the FFO accompanying the original notice) for the first program year. All other provisions of the original August 17, 2004 notice remain the same.

Limitation of Liability

Publication of this announcement does not oblige the Department of Commerce or MBDA to award a third-year extension to any of the MBEC operators or projects identified in this notice or to obligate any available funds for such purpose.

Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the December 30, 2004 **Federal Register** notice (69 FR 78389) are applicable to this notice.

Executive Order 12866

This notice has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Authority: 15 U.S.C. 1512 and Executive Order 11625.

Dated: March 13, 2007.

Ronald Marin,

Financial Management Officer, Minority Business Development Agency.

[FR Doc. E7–4902 Filed 3–16–07; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022207B]

National Standard 1 Guidelines; Scoping Process

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

ACTION: Notification of additional scoping meetings.

SUMMARY: NMFS announces several scoping meetings for the environmental impact statement for implementation of annual catch limit (ACL) and accountability measure (AM) requirements of the Magnuson-Stevens Fishery Conservation Reauthorization Act of 2006 (MSRA). Such guidance would be added to the National Standard 1 Guidelines. These scoping meetings are in addition to those that were announced and published in a **Federal Register** notice on February 28, 2007. Note that the date of the scoping meeting to be held at the Gulf of Mexico Fishery Management Council meeting has been changed from March 29, 2007, to March 27, 2007.

DATES: Dates and locations of scoping meeting are listed below under **SUPPLEMENTARY INFORMATION**. Date and times are subject to Regional Fishery Management Council agenda changes during the week of the meeting. Written comments must be received by April 17, 2007.

ADDRESSES: You may submit comments on issues and alternatives, by any of the following methods:

- E-mail: *annual.catchlimitDEIS@noaa.gov*. Include ''Scoping comments on annual catch limit DEIS'' in subject line of the message.
- Fax: 301–713–1193
- Mail: Mark Millikin; National Marine Fisheries Service, NOAA; 1315 East-West Highway; Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Mark Millikin; National Marine Fisheries Service, 301–713–2341.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is available on the Government Printing Office's website at: *www.gpoaccess.gov/fr/index*.

Background

The MSRA, signed into law by President Bush on January 12, 2007, set forth new requirements related to overfishing, including new ACL and AM provisions for federally managed fisheries in the U.S. exclusive economic zone. NMFS initiated action through a notice of intent (NOI) to develop guidance related to these new provisions, specifically requirements set forth under sections 103(b)(1) and (c)(3), 104(a)(10), (b), and (c) of the MSRA. NMFS intends to revise the National Standard 1 (NS1) Guidelines, 50 CFR 600.310, through a proposed and final rule to incorporate guidance of these MSRA sections before the end of 2007. NMFS is seeking input on ACLs and AMs and related matters in the NS1 guidelines. More background related to this action is contained in the NOI published on February 14, 2007 (72 FR 7016), and is not repeated here.

Dates and Locations of Meetings

Scoping meetings will be held at the following locations:

Gulf of Mexico Fishery Management Council Meeting, March 27, 2007, 6:30 p.m. to 7:30 p.m. at the Embassy Suites Hotel, Destin, FL 32550.

North Pacific Fishery Management Council Meeting, March 28, 2007, morning session, at the Anchorage Hilton Hotel, Anchorage, AK 99501.

Pacific Fishery Management Council Meeting, April 3, 2007, afternoon session at the Seattle Airport Marriott Hotel, Seattle, WA 98188.

New England Fishery Management Council, April 10, 2007, 1:30 p.m. to 3 p.m. at the Mystic Hilton, Mystic, CT 06355.

Mid-Atlantic Fishery Management Council, April 17, 2007, 7 p.m. to 8:30 p.m. at the Princess Royale, Ocean City, MD 21842.

Special Accommodations

The public meetings listed in this notice will be accessible to people with physical disabilities. Requests for sign language interpretation and other auxiliary aids should be directed to Jennifer Ise (301–713–2341), at least 5 days before the scheduled session.

Dated: March 13, 2007.

James P. Burgess,

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

[FR Doc. E7–4955 Filed 3–16–07; 8:45 am]

BILLING CODE 3510–22–S

APPENDIX D: NOAA Press Releases announcing the start of the scoping period and individual scoping meetings

NEWS FROM NOAA
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION • US DEPARTMENT OF COMMERCE

Contact: Susan Buchanan
301-257-4515

FOR IMMEDIATE RELEASE
Feb. 14, 2007

NOAA FISHERIES SERVICE BEGINS PROCESS TO END OVERFISHING BY 2010

New Magnuson-Stevens Act First Step to Implementation / Comments Sought

NOAA Fisheries Service has begun the process of developing new guidance to assist regional fishery management councils in developing measures to end overfishing in all U.S. commercial and recreational fisheries by 2010. This deadline is a new requirement under the reauthorized Magnuson-Stevens Fishery Conservation and Management Act of 2006. NOAA provides guidelines to facilitate consistent application of the law's 10 national standards among the nation's fishery managers. This action would modify the guidelines for National Standard 1 of the Act, also known as the "overfishing standard."

Overfishing still occurs at various levels in 48 fisheries in U.S. waters, although NOAA has significantly improved the situation in recent years. The highest priority in the Magnuson-Stevens Act reauthorization was to strengthen the Act to ensure an end to overfishing. The U.S. Ocean Action Plan also called for expansion of market-based management systems, improved recreational data, and the use of peer-reviewed science in resource management decisions. Initial funding for these activities is included in the 2008 budget request for NOAA Fisheries Service.

"The President is determined to stop overfishing and rebuild the nation's marine fisheries to sustainable levels to maximize their economic and environmental benefit to the nation," said Bill Hogarth, director of NOAA Fisheries Service. "We are pleased that Congress gave us new tools to end all overfishing and we look forward to continued support in the 2008 budget process."

To end overfishing and prevent it from occurring in the future, the new law requires all fisheries to be regulated under annual catch limits, with accountability measures to ensure that catches do not exceed the limit. The new law also elevates the importance of following scientific advice in fishery management decisions, so the new guidelines for National Standard 1 will address the role of science in establishing annual harvest caps.

The public is offered this opportunity to discuss these issues and provide comment on how the nation can meet the law's new mandates.

Upon consideration of public input that NOAA receives during this scoping period, the agency will develop a proposal for specific regulations, and then will hold another public comment period. The agency aims to finalize the modified National Standard 1 guidelines by the end of 2007.

- more -

An initial public scoping meeting will be held March 9, from 9 a.m. to 3 p.m. at 1315 East-West Highway, Room 4527, Silver Spring, Md. Additional public scoping meetings will be set in the near future. Written comments may be emailed to: annual.catch.limitDEIS@noaa.gov; faxed to: 301-713-1193; or mailed to: Mark Millikin, NOAA/NMFS, 1315 East-West Highway; Silver Spring, MD 20910. The deadline for comments is April 2, 2007.

The National Oceanic and Atmospheric Administration, an agency of the U.S. Commerce Department, is celebrating 200 years of science and service to the nation. From the establishment of the Survey of the Coast in 1807 by Thomas Jefferson to the formation of the Weather Bureau and the Commission of Fish and Fisheries in the 1870s, much of America's scientific heritage is rooted in NOAA.

NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and information service delivery for transportation, and by providing environmental stewardship of our nation's coastal and marine resources. Through the emerging Global Earth Observation System of Systems (GEOSS), NOAA is working with its federal partners, more than 60 countries and the European Commission to develop a global monitoring network that is as integrated as the planet it observes, predicts and protects.

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Magnuson-Stevens Reauthorized Act of 2006: http://www.nmfs.noaa.gov/msa2007
NOAA Fisheries Service: www.nmfs.noaa.gov
NOAA: www.noaa.gov

NEWS FROM NOAA
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION • US DEPARTMENT OF COMMERCE

Contact: Susan Buchanan
301-713-2370

MEDIA ADVISORY
FOR IMMEDIATE RELEASE
March 5, 2007

NOAA REQUESTS PUBLIC INVOLVEMENT IN PLANS TO END OVERFISHING

Suggestions Will Be Taken at Meeting on Jekyll Island, Ga.

The U.S. Congress and President Bush recently directed the nation's fishery managers to end overfishing by 2010. The National Oceanic and Atmospheric Administration will host an open meeting in Georgia to give citizens in the southeastern United States an opportunity to comment on how this marine stewardship responsibility may be accomplished.

WHAT: Public Scoping Meeting to Receive Input on:

- Developing an environmental impact statement for this action
- Establishing annual catch limits in U.S. fisheries to end overfishing
- Establishing accountability measures associated with catch limits
- The role of science (the councils' Scientific and Statistical Committees) in establishing annual catch limits

WHEN: March 6, 2007, 6:30 p.m.

WHERE: Jekyll Island Club Hotel, 371 Riverview Drive, Jekyll Island, Georgia 31527

WHO: Interested members of the public and news media

BACKGROUND

The United States is overfishing 48 species or species complexes, including 11 in the South Atlantic and nine coast-wide highly migratory stocks. Continued overfishing has slowed the rebuilding of overfished stocks.

The newly reauthorized Magnuson-Stevens Act requires annual catch limits by 2010, which will end overfishing. Annual catch limits must be coupled with accountability measures to ensure that catches do not exceed the limit or potentially mitigate the effect of exceeding the limits, and the law elevates the importance of following scientific advice in fishery management decisions.

With assistance from the public, NOAA will develop guidelines to help the eight regional fishery management councils and NOAA Fisheries Service modify fishery management plans to meet these requirements.

The guidelines should be finalized by the end of 2007. Written comments may be emailed to: annual.catch.limitDEIS@noaa.gov; faxed to: 301-713-1193; or mailed to: Mark Millikin, NOAA/NMFS, 1315 East-West Highway; Silver Spring, MD 20910. The deadline for comments is April 17, 2007.

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Public meetings have been scheduled in other regions of the country. To see the entire list of dates and locations, go to: Magnuson-Stevens Reauthorized Act of 2006: http://www.nmfs.noaa.gov/msa2007

NEWS FROM NOAA
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION • US DEPARTMENT OF COMMERCE

Contact: Susan Buchanan
301-713-2370

MEDIA ADVISORY
FOR IMMEDIATE RELEASE
March 5, 2007

NOAA REQUESTS PUBLIC INVOLVEMENT IN PLANS TO END OVERFISHING
Suggestions Will Be Taken at Fishers Forum in Honolulu

The U.S. Congress and President Bush recently directed the nation's fishery managers to end overfishing by 2010. As part of the Fishers Forum, being held in conjunction with the 137th meeting of the Western Pacific Regional Fishery Management Council, the National Oceanic and Atmospheric Administration will give citizens in the Pacific Islands an opportunity to comment on how this marine stewardship responsibility may be accomplished.

WHAT: Public Scoping Meeting to Receive Input on:

- Developing an environmental impact statement for this action
- Establishing annual catch limits in U.S. fisheries to end overfishing
- Establishing accountability measures associated with catch limits
- The role of science (the councils' Scientific and Statistical Committees) in establishing annual catch limits

WHEN: March 14, 2007, 7:30 p.m. to 9:00 p.m. (Fishers Forum 6 to 9 p.m.)

WHERE: Ala Moana Hotel, 410 Atkinson Drive, Honolulu, Hawaii 96814

WHO: Interested members of the public and news media

BACKGROUND

The United States is overfishing 48 species or species complexes, including three in the Pacific Islands. Continued overfishing has slowed the rebuilding of overfished stocks.

The newly reauthorized Magnuson-Stevens Act requires annual catch limits by 2010, which will end overfishing. Annual catch limits must be coupled with accountability measures to ensure that catches do not exceed the limit or potentially mitigate the effect of exceeding the limits, and the law elevates the importance of following scientific advice in fishery management decisions.

With assistance from the public, NOAA will develop guidelines to help the eight regional fishery management councils and NOAA Fisheries Service modify fishery management plans to meet these requirements.

The guidelines should be finalized by the end of 2007. Written comments may be emailed to: annual.catch.limitDEIS@noaa.gov; faxed to: 301-713-1193; or mailed to: Mark Millikin, NOAA/NMFS, 1315 East-West Highway; Silver Spring, MD 20910. The deadline for comments is April 17, 2007.

###

Public meetings have been scheduled in other regions of the country. To see the entire list of dates and locations, go to: Magnuson-Stevens Reauthorized Act of 2006: http://www.nmfs.noaa.gov/msa2007

NEWS FROM NOAA
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION • US DEPARTMENT OF COMMERCE

Contact: Susan Buchanan
301-713-2370

MEDIA ADVISORY
FOR IMMEDIATE RELEASE
Feb. 28, 2007

NOAA REQUESTS PUBLIC INVOLVEMENT IN PLANS TO END OVERFISHING

Suggestions Will Be Taken at Meeting in Ponce, Puerto Rico

The U.S. Congress and President Bush recently directed the nation's fishery managers to end overfishing by 2010. The National Oceanic and Atmospheric Administration will host an open meeting in Puerto Rico to give citizens in the Caribbean an opportunity to comment on how this marine stewardship responsibility may be accomplished.

WHAT: Public Scoping Meeting to Receive Input on:

- Developing an environmental impact statement for this action
- Establishing annual catch limits in U.S. fisheries to end overfishing
- Establishing accountability measures associated with catch limits
- The role of science (the councils' Scientific and Statistical Committees) in establishing annual catch limits

WHEN: March 20, 2007, 6:00 p.m. to 7:00 p.m.

WHERE: Ponce Hilton Hotel, Ponce, Puerto Rico 00716

WHO: Interested members of the public and news media

BACKGROUND

The United States is overfishing 48 species or species complexes, including five in the Caribbean. Continued overfishing has slowed the rebuilding of overfished stocks.

The newly reauthorized Magnuson-Stevens Act requires annual catch limits by 2010, which will end overfishing. Annual catch limits must be coupled with accountability measures to ensure that catches do not exceed the limit or potentially mitigate the effect of exceeding the limits, and the law elevates the importance of following scientific advice in fishery management decisions.

With assistance from the public, NOAA will develop guidelines to help the eight regional fishery management councils and NOAA Fisheries Service modify fishery management plans to meet these requirements.

The guidelines should be finalized by the end of 2007. Written comments may be emailed to: annual.catch.limitDEIS@noaa.gov; faxed to: 301-713-1193; or mailed to: Mark Millikin, NOAA/NMFS, 1315 East-West Highway; Silver Spring, MD 20910. The deadline for comments is April 17, 2007.

###

Public meetings have been scheduled in other regions of the country. To see the entire list of dates and locations, go to: Magnuson-Stevens Reauthorized Act of 2006: http://www.nmfs.noaa.gov/msa2007

NEWS FROM NOAA
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION • US DEPARTMENT OF COMMERCE

Contact: Susan Buchanan
301-713-2370

MEDIA ADVISORY
FOR IMMEDIATE RELEASE
March 5, 2007

NOAA REQUESTS PUBLIC INVOLVEMENT IN PLANS TO END OVERFISHING
Suggestions Will Be Taken at Meeting in Destin, Fla.

The U.S. Congress and President Bush recently directed the nation's fishery managers to end overfishing by 2010. The National Oceanic and Atmospheric Administration will host an open meeting on the West Coast of Florida to give citizens in the Gulf of Mexico an opportunity to comment on how this marine stewardship responsibility may be accomplished.

WHAT: Public Scoping Meeting to Receive Input on:

- Developing an environmental impact statement for this action
- Establishing annual catch limits in U.S. fisheries to end overfishing
- Establishing accountability measures associated with catch limits
- The role of science (the councils' Scientific and Statistical Committees) in establishing annual catch limits

WHEN: March 27, 2007, 6:30 p.m. to 7:30 p.m.

WHERE: Embassy Suites Hotel, Destin, Fla. 32550 (Coast Ballroom)

WHO: Interested members of the public and news media

BACKGROUND

The United States is overfishing 48 species or species complexes, including five in the Gulf of Mexico and nine Atlantic highly migratory stocks. Continued overfishing has slowed the rebuilding of overfished stocks.

The newly reauthorized Magnuson-Stevens Act requires annual catch limits by 2010, which will end overfishing. Annual catch limits must be coupled with accountability measures to ensure that catches do not exceed the limit or potentially mitigate the effect of exceeding the limits, and the law elevates the importance of following scientific advice in fishery management decisions.

With assistance from the public, NOAA will develop guidelines to help the eight regional fishery management councils and NOAA Fisheries Service modify fishery management plans to meet these requirements.

The guidelines should be finalized by the end of 2007. Written comments may be emailed to: annual.catch.limitDEIS@noaa.gov; faxed to: 301-713-1193; or mailed to: Mark Millikin, NOAA/NMFS, 1315 East-West Highway; Silver Spring, MD 20910. The deadline for comments is April 17, 2007.

###

Public meetings have been scheduled in other regions of the country. To see the entire list of dates and locations, go to: Magnuson-Stevens Reauthorized Act of 2006: http://www.nmfs.noaa.gov/msa2007

APPENDIX E: Print of the power point slides that constituted the scoping presentation at all the scoping meetings (English and Spanish versions)

Public Scoping: Guidance for Annual Catch Limits (ACLs) and Accountability Measures (AMs)

Requirements of the Magnuson Stevens Fishery Conservation and Management Reauthorization Act (MSRA) of 2006 to End and Prevent Overfishing

March 2007

Requirements of the 2006 MSRA

Annual catch limits and accountability measures must be implemented:

- in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing
  - MSRA Section 104 (b)(1)(A)

- in fishing year 2011 for all other fisheries
  - MSRA Section 104 (b)(1)(B)

Annual Catch Limits (ACLs) & Accountability Measures (AMs)

- ACLs and AMs work together as a system to ensure that overfishing will not occur

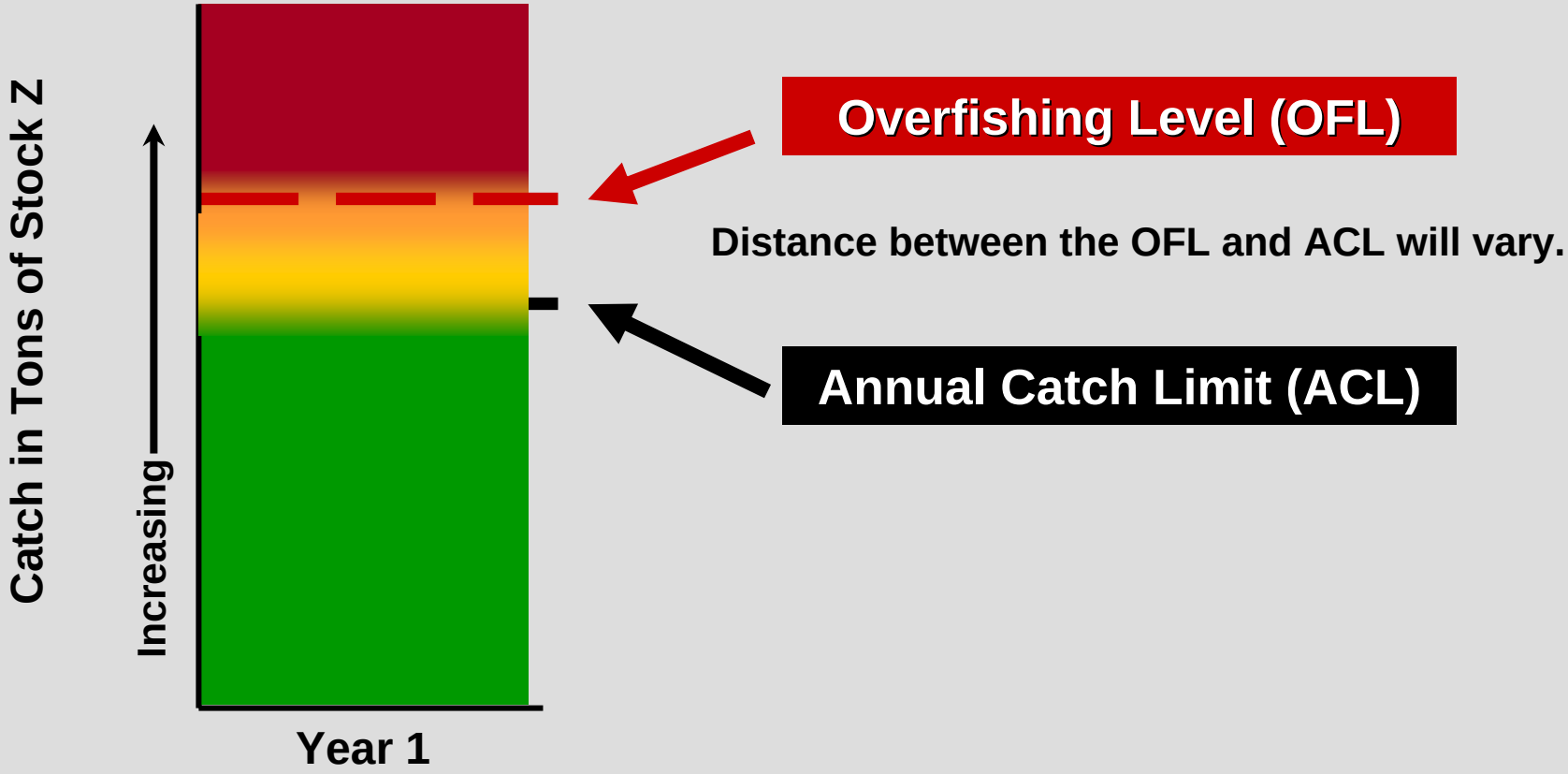
- ACLs & AMs must:
  - end overfishing on stocks subject to overfishing
  - prevent overfishing on stocks not subject to overfishing

Preliminary Interpretation

For each managed stock an:

- Overfishing Level (OFL) should be established
  - An annual numerical amount of catch that would result in overfishing if exceeded
  - Not identified in the Act but it is essential for developing accountability measures and monitoring ACL performance
- Annual Catch Limit (ACL) must be established
  - An annual numerical target catch level
  - Set below the OFL to ensure that overfishing does not occur

Relationship between ACL & OFL



Criteria for ACLs & OFLs

To accurately compare ACLs and OFLs, they need to contain the same criteria.

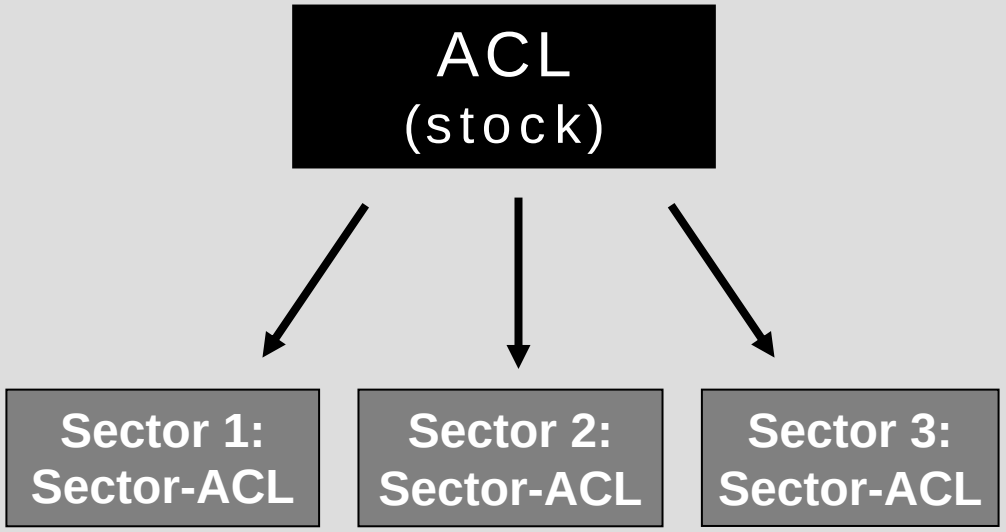
Based on our preliminary interpretation, these criteria would be needed for an ACL and OFL:

- Set for each managed fishery/stock
- Can be set for multiple year periods
- Numerical annual value set in weight or numbers of fish
- Includes all sources of fishing mortality, where possible:
  - Landings
  - Discards/Bycatch
  - All sectors and user groups

Issue: Sector Allocations

Allocation issues between sectors are of concern and can be addressed under ACLs.

- An ACL is required to be set for each managed fishery/stock
- The Councils and NMFS could:
  - Subdivide an ACL (set for each fishery/stock) into "*sector-ACLs*"
  - Develop AMs for each sector



Accountability Measures (AMs)

- Management measures established with ACLs to end and prevent overfishing
- Two basic types:
  - Preventive in-season management actions
    - e.g., in-season fishery closure if the target catch limit has been reached
  - Corrective management actions
    - e.g., overage payback in the next fishing year
- Must be established for each fishery/stock
- Could be established for each sector

Issue: Sector Allocations

Discussion

- What are the issues and concerns about:
  - allocating ACLs among sectors?
  - developing sector specific AMs?

NMFS' Preliminary Alternatives

- Alternative 1: No action
- Alternative 2: Performance standards that ACL and AM mechanisms have to meet for approval by the Secretary
- Alternative 3: Performance standards *and* specific guidelines on appropriate implementation approaches that would be acceptable to the Secretary

Alternative 1 – No Action

Considerations

- Councils still required to implement ACLs and AMs
- The Act does not provide a definition of these terms or detailed explanations for implementation

Alternative 2 – Performance Standards

Considerations

- Specified performance standards would be used by NMFS and the Councils to:
  - design ACL & AM mechanisms
  - establish criteria for Secretarial approval
  - evaluate their success after implementation
  - ensure that ACLs in all fisheries meet national performance standards

Alternative 3 – Performance Standards & Guidelines on Approaches

Considerations

- Performance standards would be developed, as under Alternative 2.
- Guidance on specific ACL and AM mechanisms would be developed.
  - e.g. establish best practices for several different tiers of stocks based on varying data quality and past management performance

Overarching Issue: Diverse Fisheries

- U.S. fisheries are biologically & ecologically diverse
  - 530 stocks and stock complexes: range from Arctic to tropical regions
- Management approaches vary
  - 46 FMPs: some use hard TACs, some use effort controls
- Data available for each stock vary

ACL and AM guidance must address diversity in the fisheries to develop effective strategies able to meet the requirements of the Act.

Creating Performance Standards

Discussion

- Given that knowledge and management of stocks is imperfect and uncertain:
  - What level of risk of overfishing would be tolerated in designing ACL & AM mechanisms?
  - What frequency and amount of overfishing would indicate that ACL and AM mechanisms are ineffective and must be revised?

Key Factors in Design and Implementation of ACLs & AMs

- Management / Regulatory Approach
  - Some approaches are more effective than others at achieving actual catch levels close to targets
- Monitoring / Catch Data Availability
- Scientific Knowledge of Stocks
- Uncertainty

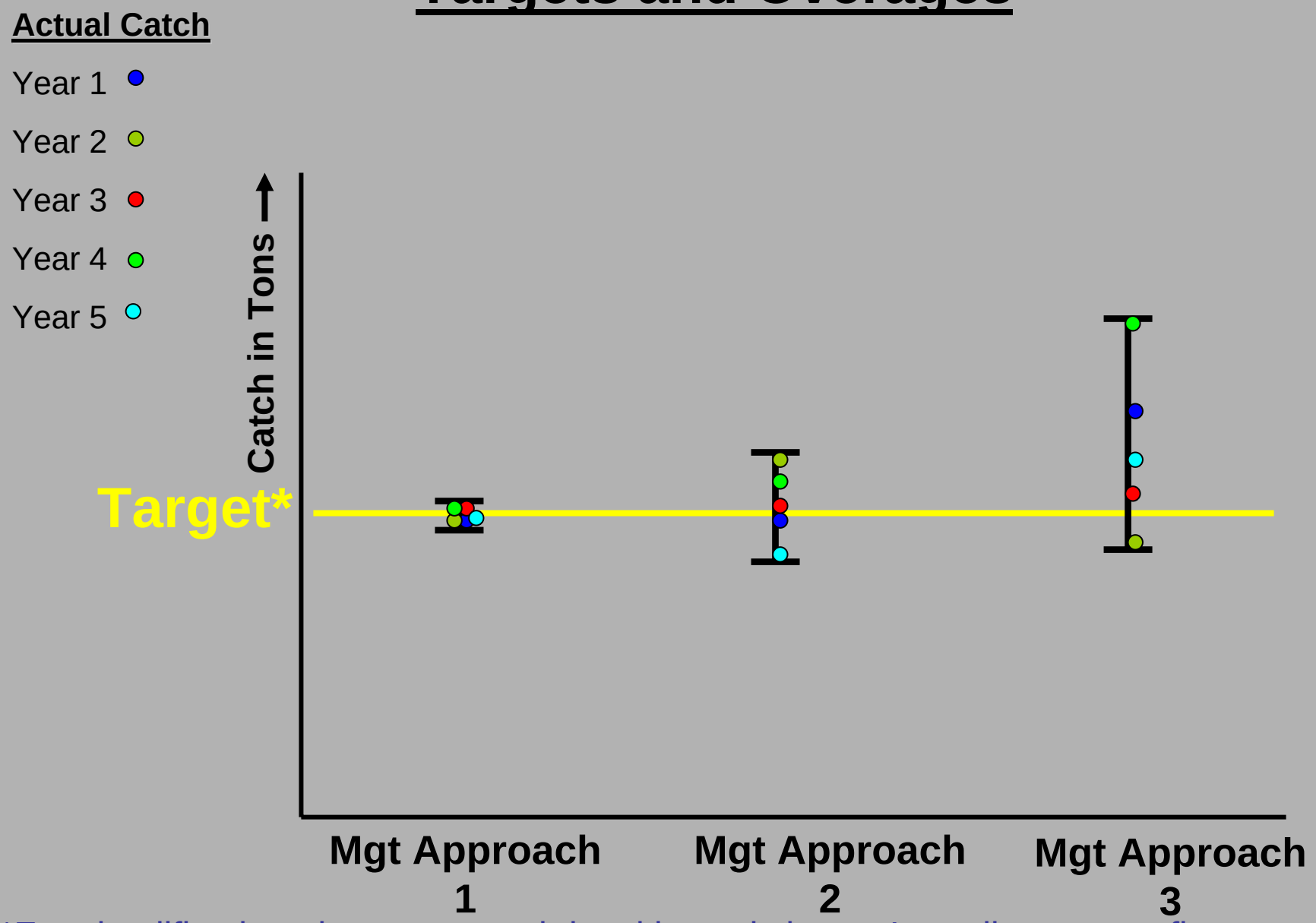
All these factors combined affect fisheries management success and the feasibility of designing ACLs and AMs.

Issue: Management Precision

Discussion

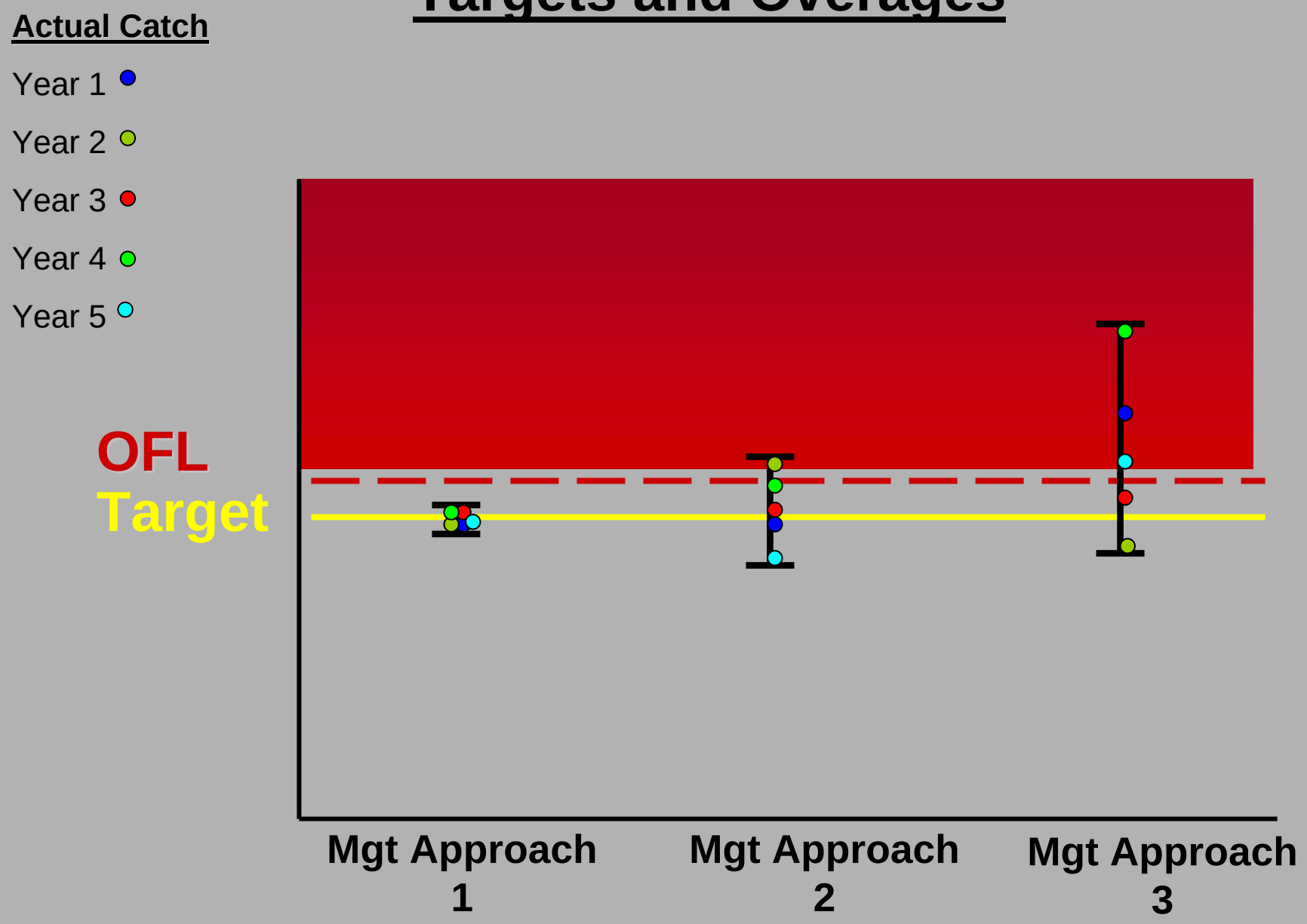
- Given variability in managing to target catch levels, where should the ACL be set in relation to the OFL?

Conceptual Illustration of Management Precision: Targets and Overages



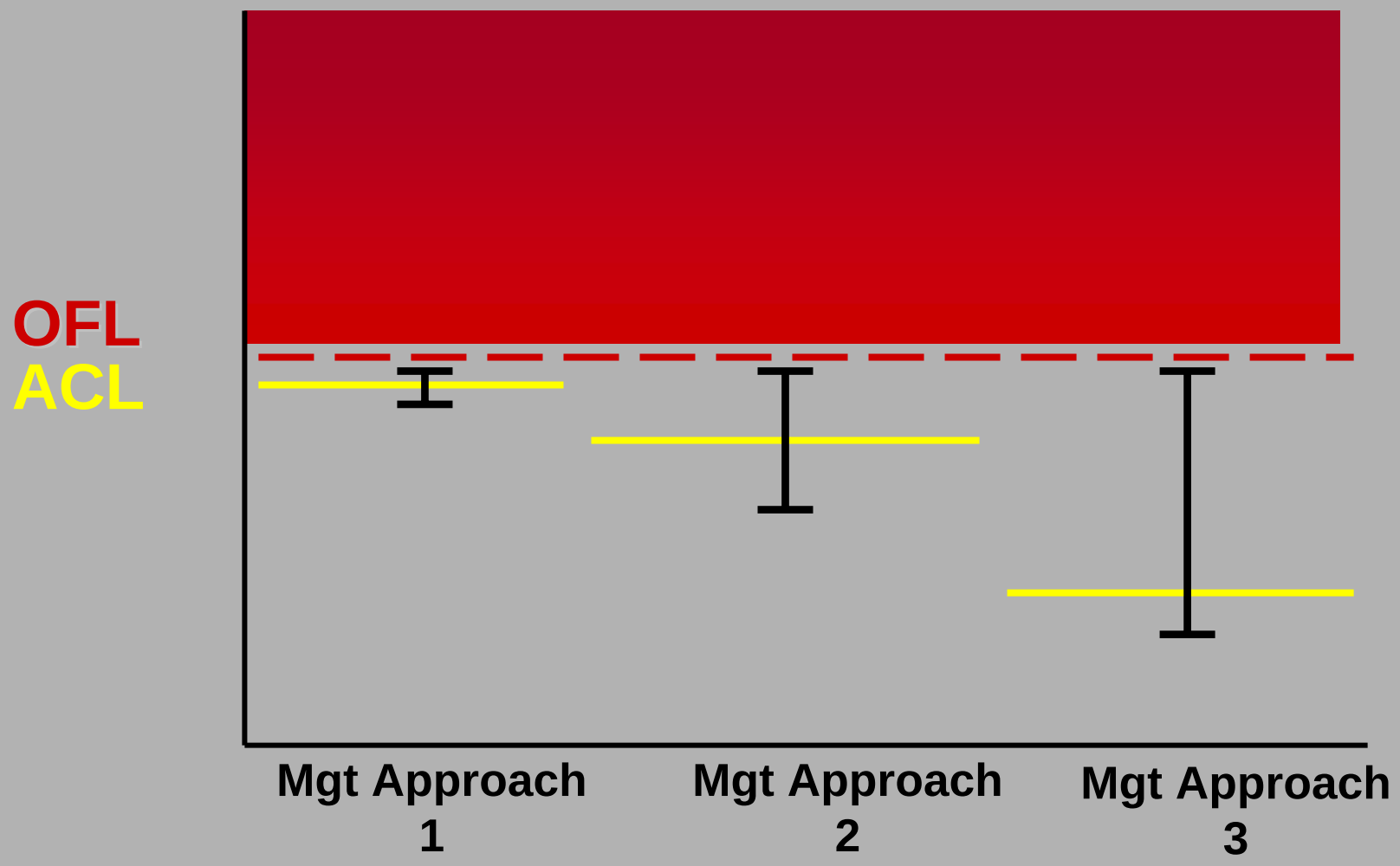
*For simplification, the target catch level is static here. In reality, targets fluctuate.

Conceptual Illustration of Management Precision: Targets and Overages



Setting Annual Catch Limits to Prevent Overfishing:

Accounting for Uncertainty and Past Performance



Issue: Scientific Knowledge of Stocks Varies

Considerations

- Quality of catch data varies
  - Completeness of catch data
    - Landings and discards data from all sectors & user groups
    - Landings data only, no discards
    - No catch data at all
  - Precision of catch data estimates
    - e.g. size of confidence intervals, statistical methods used
  - Many different data collection methods are used and each have different data quality issues
    - Commercial: logbooks, port sampling, landings reports, processor/dealer reports, observers
    - Recreational: MRFSS, other surveys

Issue: Scientific Knowledge of Stocks Varies

Considerations (continued)

- Biomass and fishing mortality estimates are not known for every stock
- Stock status varies: Known, Unknown, Undefined
  - Subject to overfishing
  - Overfished
  - Approaching overfished
- Existence of other academic research varies
- Existence of anecdotal information varies
- No information exists on the stock

Issue: Timeliness of Catch Data Varies

Considerations

- Timing of catch data availability (including analysis time):
  - in-season allows for in-season adjustments to catch
  - in time to make adjustments to next year's target catch
  - in time to make adjustments to target catch two or more years later
- No catch data at all

Issue: Data Varies

Discussion

- For stocks with little or no data, how could ACLs and AMs be developed?
- For fisheries where catch data is not timely or does not exist, what types of AMs can be developed?

Summary

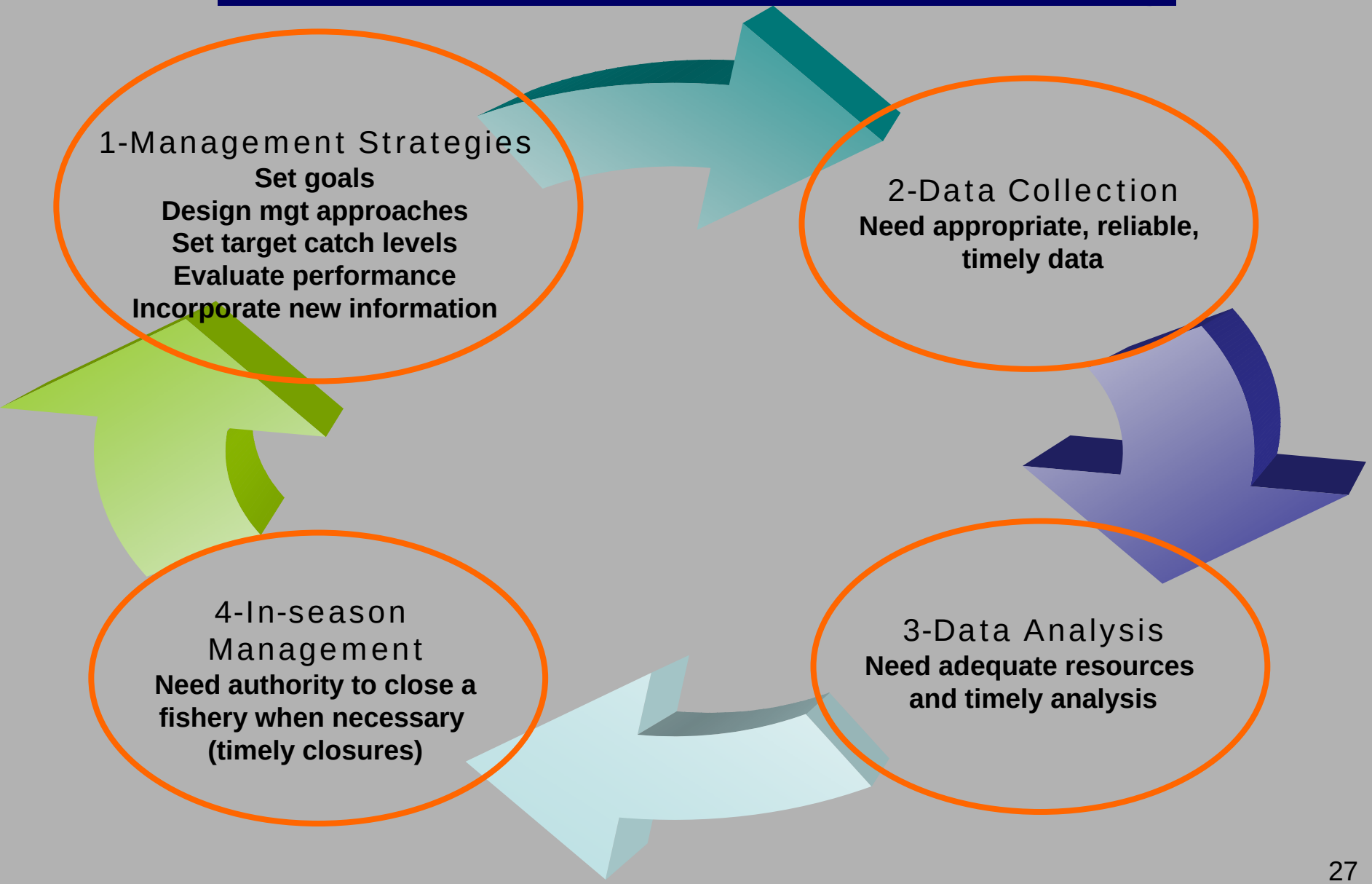
Developing ACL and AM Guidance

Development of national ACL and AM guidance must account for:

- Diversity in U.S. fisheries:
  - Biological and ecological
  - Management approaches
  - Monitoring capabilities
  - Scientific information available
- Uncertainty

All these factors work together and will affect our ability to develop, implement, and evaluate ACLs and AMs.

Considerations in Developing ACLs and AMs for Each Fishery



Estimated Implementation Timeline

Scoping Meetings (see website)	**March-April 2007**
DEIS: Issue NOA and 45-day comment period	**July 2007**
Proposed Rule: Issue rule and 45-day comment period	**July 2007**
FEIS: Issue NOA	**October 2007**
Final Rule	**November 2007**
Councils & NMFS amend FMPs / mgt measures	**Jan 2008 – June 2009**
Secretarial Review of FMP amendments / mgt measures	**June 2009 – Dec 2009**
ACL & AM mechanisms implemented for "overfishing" stocks	**2010**
ACL & AM mechanisms implemented for all other stocks	**2011**

Seeking Comments

- NMFS is seeking comments on:
  - ACLs and AMs
  - Creating national performance standards and/or guidance for ACLs and AMs that account for various characteristics of each fishery
  - Other related issues or topics
    - Do any other issues related to NS1 guidelines need to be addressed during this process?

Email Comments to:

annual.catch.limitDEIS@noaa.gov

Visit Our Website:

http://www.nmfs.noaa.gov/msa2007/

Recogido de Datos Públicos: Guía para los Límites Anuales de Captura (ACLs) y Medidas de Responsabilidad (AMs)

Requisitos de la Reautorización Magnuson-Stevens para el Manejo y Conservación de la Pesca (MSRA) del 2006 para Terminar y Prevenir la Sobrepesca

Marzo de 2007

Requisitos del MSRA del 2006

Los Límites Anuales de Captura y las Medidas de Responsabilidad deberán ser implementados:

- En el año de pesca 2010, para las pesquerías determinadas por el Secretario
  - Sección 104 del MSRA (b)(1)(A)

- En el año de pesca 2011 para todas las otras pesquerías
  - Sección 104 del MSRA (b)(1)(B)

Límites Anuales de Captura (ACLs) y Medidas de Responsabilidad (AMs)

- ACLs y AMs funcionan en conjunto como un sistema para asegurar que no ocurra sobrepesca

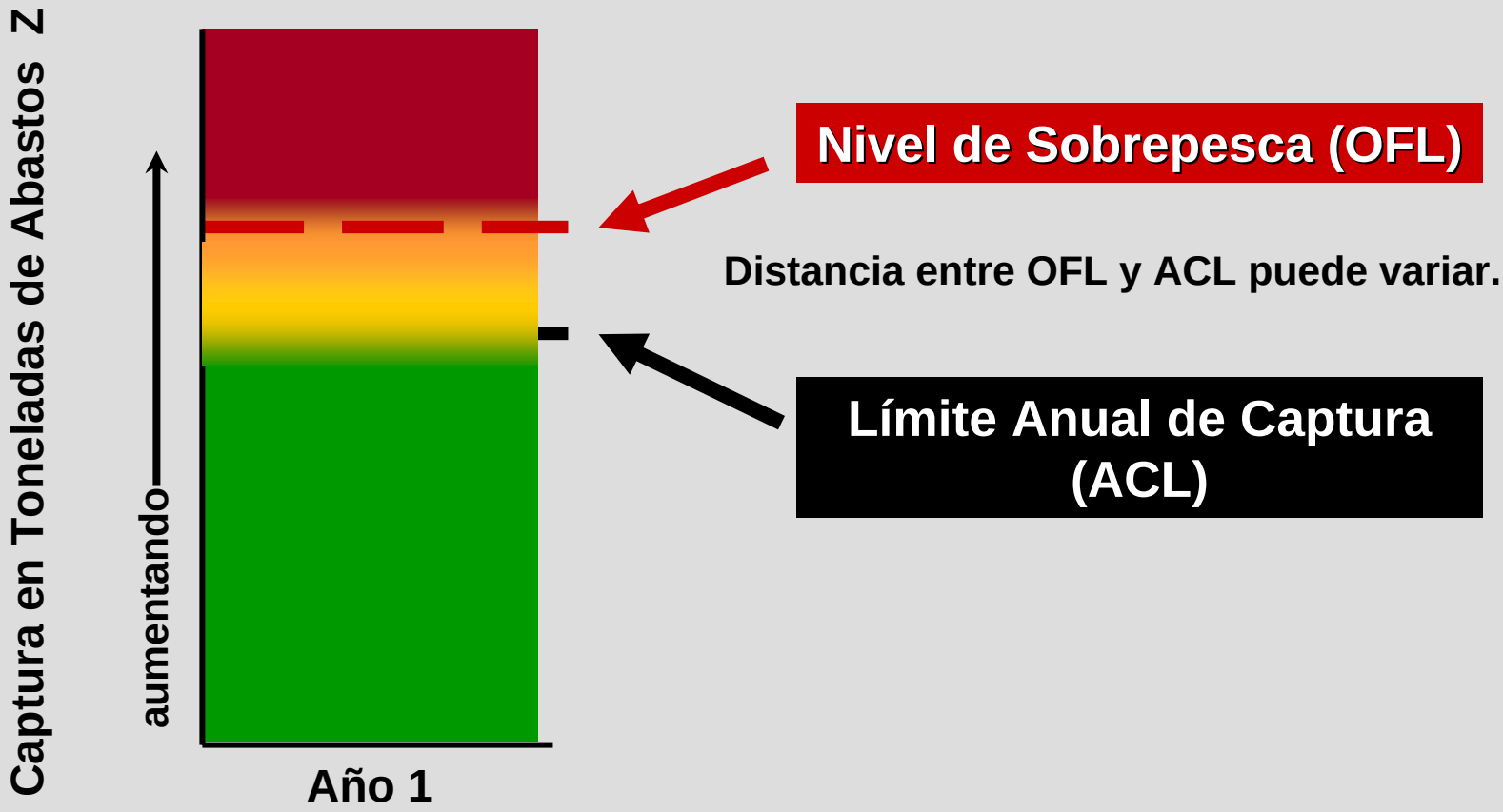
- ACLs y AMs deberán:
  - Terminar la sobrepesca de los abastos sujetos a la misma
  - Prevenir la sobrepesca en los abastos que no están sujetos a la misma

Interpretación Preliminar

Para cada abasto manejado:

- El Nivel de Sobrepesca (OFL) será establecido
  - Una cantidad numérica anual de captura, que resulte en sobrepesca si es excedido
  - No identificado en la Ley, pero esencial para desarrollar medidas de responsabilidad y verificar la ejecución de los ACL
- El Límite Anual de Captura (ACL) será establecido
  - Un límite en el nivel numérico de captura anual
  - Fijado por debajo del OFL para asegurar que no ocurra sobrepesca

Relación entre el ACL y el OFL



Criterios para ACLs y OFLs

Para una comparación precisa de los ACL y OFL, ambas deben contener los mismos criterios.

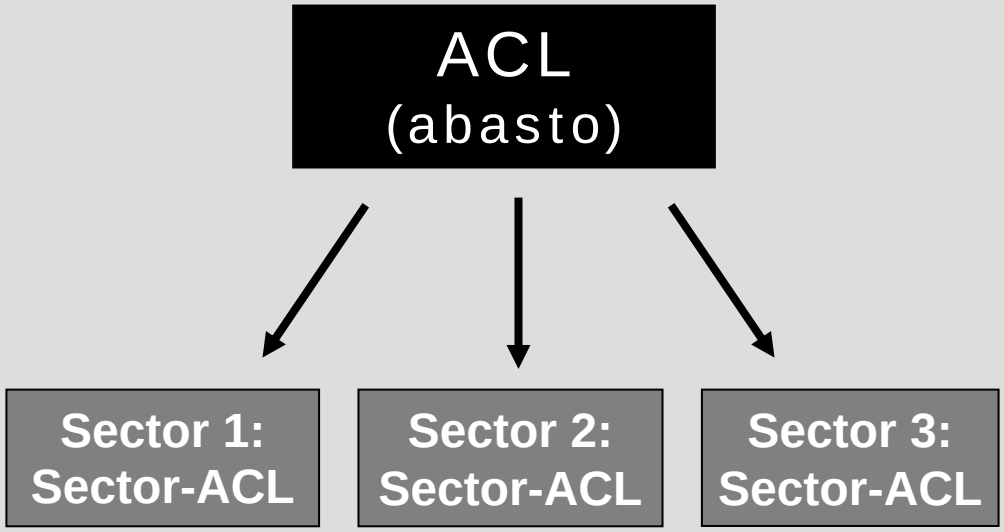
Basado en nuestra interpretación preliminar, estos criterios serán necesarios para los ACL y OFL:

- Establecido para cada abasto/pesquería manejada
- Puede ser fijado para períodos anuales múltiples
- Valores numéricos anuales, fijados en términos de peso o cantidad de pesca
- Incluye toda fuente de mortalidad pesquera, donde sea posible:
  - Desembarcos
  - Pesca incidental/descartada
  - Todos los sectores y grupos de usuarios

Asunto: Asignación de Sectores

Los asuntos relacionados a asignación entre los sectores es de suma importancia, y puede ser abordado bajo el ACL.

- Es requerido fijar un ACL para cada pesquería/abasto manejado
- Los Consejos y el NMFS pueden:
  - Subdividir un ACL (fijado para cada pesquería/abasto) en "*sectores-ACL*"
  - Desarrollar los AM para cada sector



Medidas de Responsabilidad (AMs)

- Medidas de manejo establecidas con los ACL para terminar y evitar la sobrepesca
- Dos tipos básicos:
  - Acciones de manejo preventivo en temporadas altas
    - Ej., cierre de la temporada de pesca, si el límite establecido ha sido alcanzado
  - Acciones correctivas de manejo
    - Ej., reembolso de excedente en el próximo año pesquero
- Deberá establecerse para cada pesquería/abasto
- Puede ser establecido para cada sector

Asunto: Asignación de Sectores

Discusión

- Cuales son los temas y preocupaciones sobre:
  - ¿Asignar los ACL entre sectores?
  - ¿Desarrollar los AM específicos de sectores?

Alternativas Preliminares del NMF

- 1ra Alternativa: Ninguna acción

- 2da Alternativa: Estándares de Ejecución que los mecanismos de ACL y AM deberán cumplir para la aprobación del Secretario

- 3ra Alternativa: Estándares de Ejecución *y* guías específicas para el enfoque apropiado de implementación, que sean aceptables por el Secretario

1ra Alternativa – Ninguna Acción

Consideraciones

- Al Consejo se le requiere implementar los ACL y AM
- La Ley no provee una definición de éstos términos, o una explicación detallada para la implementación

2da Alternativa – Estándares de Ejecución

Consideraciones

- Los estándares específicos de ejecución serán utilizados por el NMFS y el Consejo para:
  - Diseñar mecanismos de ACL y AM
  - Establecer criterios para la aprobación del Secretario
  - Evaluar el éxito luego de la implementación
  - Asegurar que el ACL en todas las pesquerías cumpla con los estándares nacionales de pesca

3ra Alternativas Estándares de Ejecución y Guías para los Enfoques

Consideraciones

- Los estándares de ejecución serán desarrollados igual que bajo la alternativa 2.
- Guías de mecanismos específicos para el ACL y el AM serán desarrolladas.
  - e.g. Establecer las mejores prácticas para distintas filas de abastos, basadas en la calidad de la información variada, y en la ejecución de manejo pasada

Asunto Abarcador: Diversidad de Pesca

- La pesca de EU es biológica y ecológicamente diversa
  - 530 abastos y abastos complejos: cubren desde regiones árticas hasta tropicales
- Los enfoques de manejo varían
  - 46 FMPs: algunos utilizan estrictos TACs, algunos utilizan controles de producción
- La información disponible para cada abasto varía

Las guías para ACL y AM deberán considerar la diversidad en la pesca para desarrollar estrategias efectivas que cumplan con los requisitos de la ley.

Creando Estándares de Ejecución

Discusión

- Considerando que el conocimiento y manejo de los abastos es imperfecto e incierto:
  - ¿Qué nivel de riesgo de sobrepesca puede ser tolerado al diseñar los mecanismos de ACL y AM?
  - ¿Qué frecuencia y cantidad de sobrepesca podría indicar que los mecanismos del ACL y el AM son ineficientes y deben ser revisados?

Factores Claves para el Diseño e Implementación del ACL y el AM

- Manejo/ Enfoque Reglamentario
  - Algunos enfoques son más efectivos que otros en lograr que los niveles de captura actuales acerquen a los establecidos
- Monitoreo/ Disponibilidad de Datos de Captura
- Conocimiento Científico de Abastos
- Incertidumbre

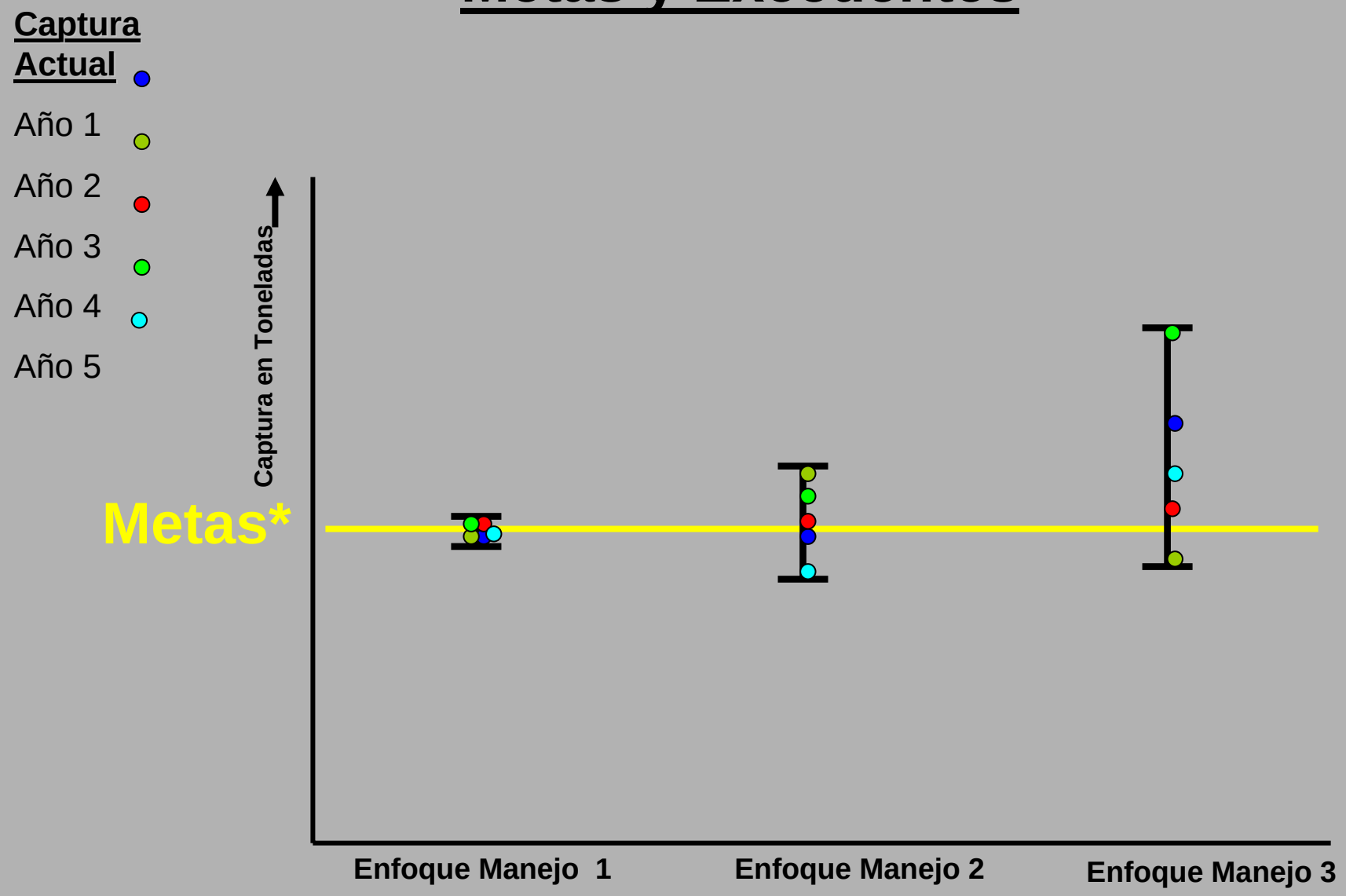
La combinación de todos estos factores afecta el éxito logrado en el manejo de las pesquerías y la viabilidad de diseñar las ACL y AM.

Tema: Precisión de Manejo

Discusión

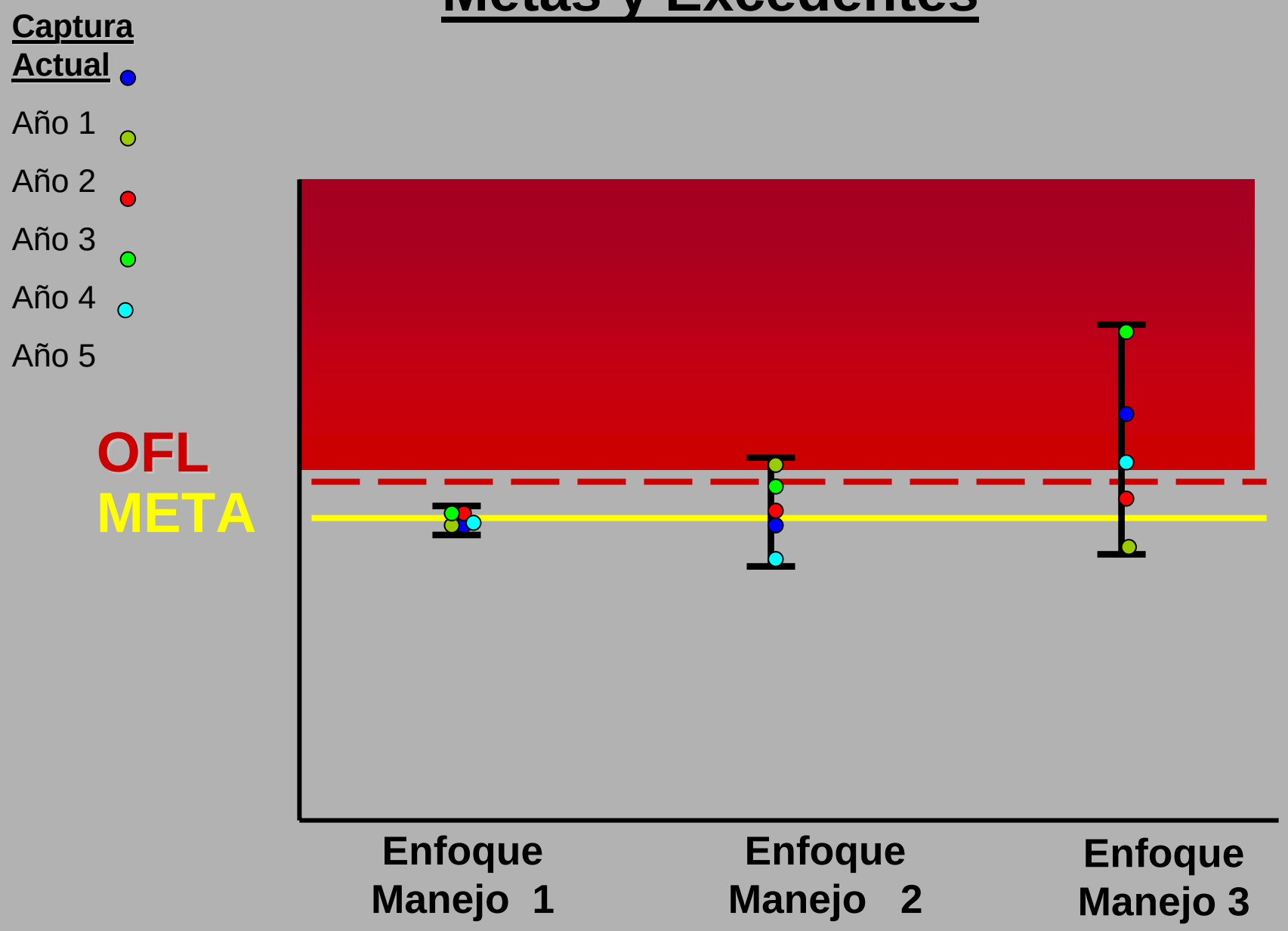
- Dada la variabilidad en el manejo de los niveles de capturas deseados, ¿dónde debe ser fijado el ACL, en relación al OFL?

Ilustración Conceptual de Precisión de Manejo: Metas y Excedentes



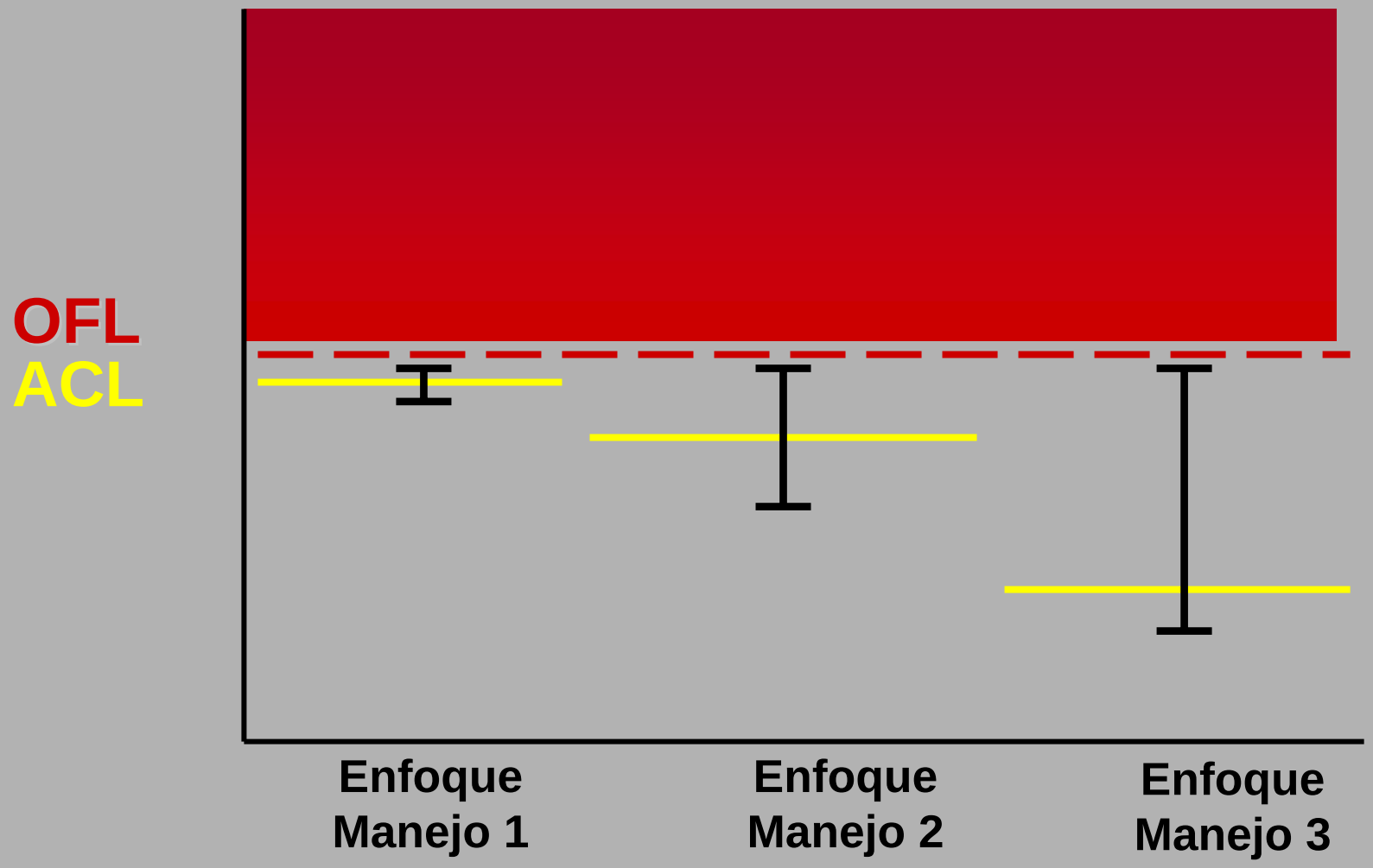
*Para simplificar, se presenta un nivel deseado de captura fijo. En realidad, los niveles deseados, o metas, fluctúan.

Ilustración Conceptual de Precisión de Manejo: Metas y Excedentes



Establecimiento de Límites de Capturas Anuales para Prevenir la Sobrepesca:

Respondiendo por Incertidumbre y Ejecución Pasada



Tema: Variaciones en el Conocimiento Científico de los Abastos

Consideraciones

- La calidad de la datos en cuanto a capturas varía
  - Integridad de los datos de Captura
    - Datos de desembarcos y pesca incidental de todos los sectores y grupos de usuarios
    - Datos de desembarcos, no de pesca incidental
    - Ningún tipo de información de captura
  - Datos de Precisión de estimados de captura
    - Ej.. Tamaño de intervalo de confianza, métodos estadísticos utilizados
  - Distintos métodos de recopilación de datos son utilizados, y cada uno posee distintos temas en cuanto a la calidad de los datos
    - Comercial: diarios de anotación, muestras de puerto, reportes de desembarco, reportes de procesadores/comerciantes, observadores
    - Recreativa: MRFSS, otros estudios

Tema: Variaciones en el Conocimiento Científico de los Abastos

Consideraciones (continuación)

- Se desconocen los estimados de biomasa y mortalidad pesquera para cada abasto,
- Estatus de abastos varían: conocido, desconocido, no definido
  - Sujeto a sobrepesca
  - Sobrepescado
  - Alcanzando la sobrepesca

  La existencia de otras investigaciones académicas varía
- La existencia de información de anécdotas varía
- No existe información sobre los abastos

Tema: El Tiempo Determinado de Captura Varía

Consideraciones

- Tiempo de disponibilidad de los datos de captura (incluyendo tiempo de análisis):
  - La temporada provee para ajustes de temporada para la captura
  - Tiempo para hacer ajustes para la meta de captura del próximo año
  - Tiempo para hacer ajustes para la meta de captura de los próximos dos años, o más
- Ningún tipo de datos de captura

Tema: Variedad de Data

Discusión

- ¿Cómo pueden desarrollarse el ACL y el AM para abastos con poco o ningunos datos?

- ¿Qué tipos de AM pueden desarrollarse para pesquerías cuyos datos de captura no se encuentra disponible a tiempo, o no existe?

Resumen

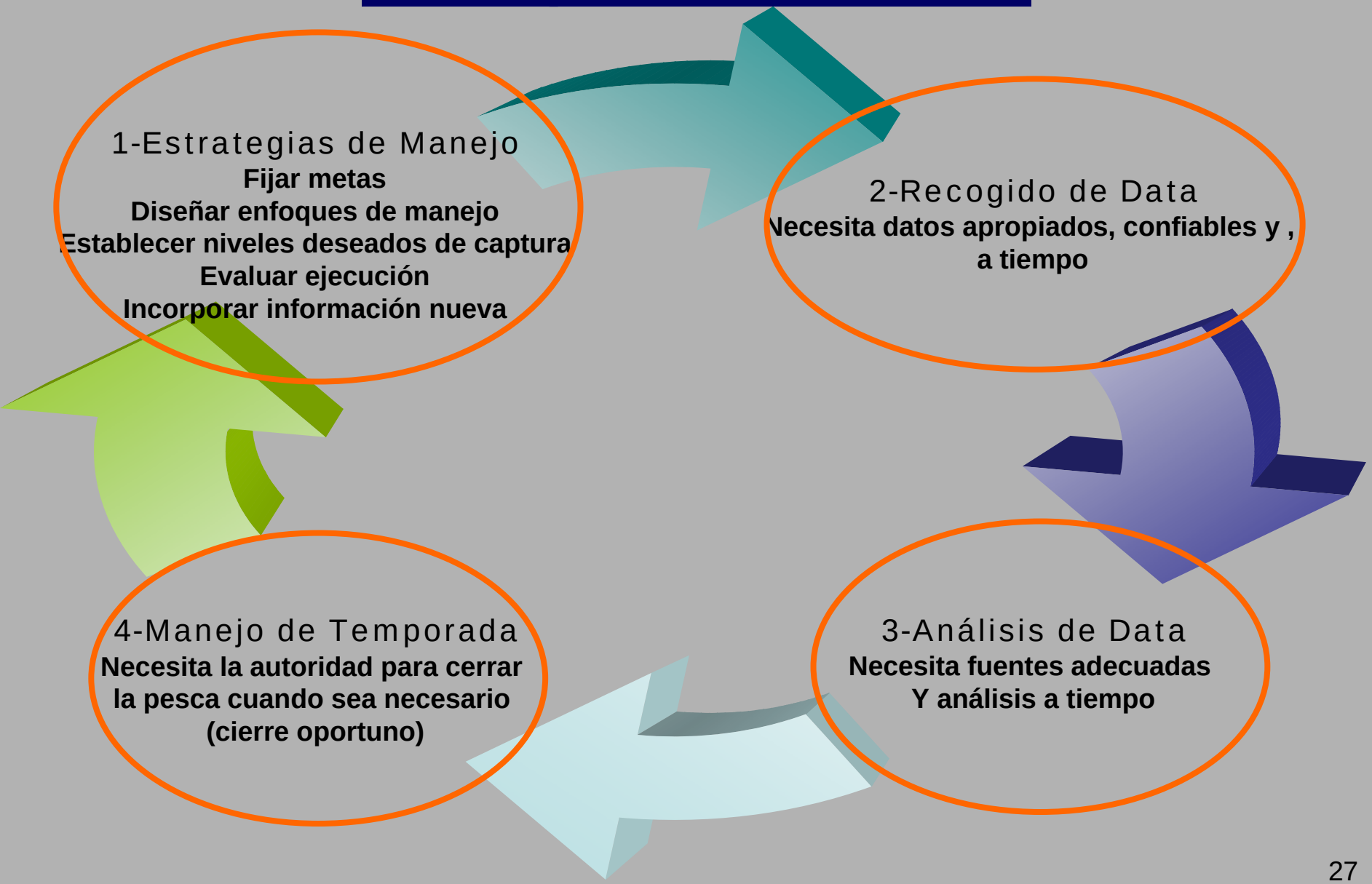
Desarrollo de Guías para ACLy AM

El desarrollo de guías nacionales para ACL y AM deben tomar en consideración:

- Diversidad en la pesca de EU:
  - Biológico y ecológico
  - Enfoques de manejo
  - Monitoreo de capacidades
  - Información científica disponible
- Incertidumbre

Todos esto factores trabajan en conjunto y afectarán nuestra habilidad de desarrollar, implementar y evaluar los ACL y AM.

Consideraciones en el Desarrollo del ACL y el AM para cada Pesca



Término de Tiempo para Implementación Estimada

Reuniones de Recogido de Información (ver página web)	**marzo-abril 2007**
DEIS: Tema NOA y período de comentarios de 45 días	**julio 2007**
Reglamentación Propuesta: Tema de Reglamentación y período de comentarios de 45 días	**julio 2007**
FEIS: Tema NOA	**octubre 2007**
Reglamentación Final	**noviembre 2007**
Consejo y NMFS enmienda los FMP/medidas de manejo	**enero 2008 – junio 2009**
Revisión Secretarial de Enmiendas al FMP / medidas de manejo	**junio 2009 – Dic. 2009**
Mecanismos de ACL & AM implementados para abastos sobrepescados	**2010**
Mecanismos de ACL & AM implementados para Todos los demás abastos	**2011**

Solicitud de Comentarios

- El NMFS solicitará comentarios sobre:
  - ACL y AM
  - Creación de estándares nacionales de ejecución y/o guías para los ACL y AM relativas a la variedad de características de cada pesca
  - Otros temas o tópicos relacionados
    - ¿Algún otro tema relacionado a las guías del NS1 necesita ser abordado durante este proceso?

Comentarios enviados por correo electrónico a:

annual.catch.limitDEIS@noaa.gov

Visite nuestra página en la Web:

http://www.nmfs.noaa.gov/msa2007/

APPENDIX F: Handout provided at scoping meetings (English and Spanish versions)

Annual Catch Limits (ACLs) and Accountability Measures (AMs): Requirements of the 2006 Amendments to the Magnuson-Stevens Act (MSA)

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) was reauthorized and amended on January 12, 2007, by the Magnuson Stevens Fishery Conservation and Management Reauthorization Act (MSRA). The MSRA established **new requirements to end and prevent overfishing**, including Annual Catch Limits (ACLs) and Accountability Measures (AMs). On February 14, 2007, NOAA's National Marine Fisheries Service (NMFS) published a notice of intent to prepare an environmental impact statement (EIS) (72 FR 7016) for proposed guidance on the development and implementation of these new requirements. NMFS is currently in the public scoping process for the EIS and guidance.

The new guidance under development would assist regional fishery management councils in developing ACLs and AMs to **end and prevent overfishing in all U.S. commercial and recreational fisheries in 2010 for stocks subject to overfishing, and 2011 for all others**, as required by the MSRA. NMFS provides guidelines to facilitate consistent application of the MSA's 10 national standards among the nation's fishery managers. NMFS would incorporate new guidance of ACLs and AMs into the guidelines for National Standard 1, also known as the "overfishing standard."

Overfishing still occurs at various levels in 48 fisheries in U.S. waters, although NMFS and the Councils have made significant improvements in recent years. The highest priority in the MSRA was to strengthen the Act to ensure an end to overfishing.

To end overfishing and prevent it from occurring in the future, the new law requires that **federal fishery management plans establish mechanisms for annual catch limits and accountability measures**. The new law also adds **requirements for the role of scientific advice in this process**, specifically through the Councils' Scientific and Statistical Committees (SSCs). The new guidelines will address these provisions as they relate to development of annual catch limits.

This public scoping process provides an opportunity to discuss these and other issues related to National Standard 1, and receive public comments on developing guidance to address the new mandates. **The public comment period ends April 17, 2007**.

Upon consideration of public input that NMFS receives during this scoping period, the agency will develop its proposed guidance, and then will hold another public comment period. The agency aims to finalize its revisions to the National Standard 1 guidelines by the end of 2007.

Requirements: Summary ……..1
Requirements: Provisions of the Act……..…..…..2
Issues for consideration and comment……..…..…….3
Contact: Email, website…….……3
Timeline…….....…4
Schedule of scoping meetings……..…4
Acronyms……...…….....5

Requirements to End & Prevent Overfishing

Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

- *National Standard 1 of the MSA*

Starting July 12, 2009, within 2 years of notification that a stock is overfished or approaching a condition of being overfished, measures must be prepared and implemented to end overfishing immediately and to rebuild

- *MSA Section 304(e)(4) requirements as amended by MSRA Section 104(c) and 104(d)*

Each Council is required to "develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g)"

- *MSA Section 302(h)(6) as amended by MSRA Section 103(c)(3)*

''(g) COMMITTEES AND ADVISORY PANELS.—

(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.

(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts and shall have strong scientific or technical credentials and experience.

(E) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106–554—Appendix C; 114 Stat. 2763A–153).[…]"

- *MSA Section 302(g) as amended by MSRA Section 103(b)(1)*

Fishery management plans shall "establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability."

- *MSA Section 303(a) as amended by MSRA Section 104(a)(10)*

Shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species

- *MSRA Section 104 (b)(2)*

Shall apply for a fishery unless otherwise provided for under an international agreement in which the U.S. participates

- *MSRA Section 104 (b)(1)*

ACLs must be implemented:

- in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing
  - *MSRA Section 104 (b)(1)(A)*
- in fishing year 2011 for all other fisheries
  - *MSRA Section 104 (b)(1)(B)*

Key Issues to Consider in Developing Guidance on ACLs & AMs

NMFS has identified the following key issues to consider in developing guidelines on annual catch limits (ACLs) and accountability measures (AMs) and welcomes public comments on these and any other issues related to NS1 during the public scoping process.

- The role of the SSC and other peer review processes in setting ACLs and AMs
- The relationship between ACL and OY
- Revision of existing overfishing definitions to include OFL
- Variability in data currently available for each stock
- Setting ACLs for stocks with little or no data
- Setting ACLs and AMs for fisheries that have a recreational component
- Circumstances in which a numerical ACL can not be set for a stock, and in such situations, recommendations for adequate and appropriate alternatives to setting a numerical ACL (e.g., prohibitions)
- Setting ACLs for stock complexes, stock assemblages, and similar stock groupings
- Variability in the accuracy of management approaches in achieving target fishing levels
- Setting a buffer between ACL and OFL to prevent overfishing, and how to determine the size of the buffer needed
- Establishing the appropriate probability that an ACL and AM measures will prevent overfishing for a stock
- Establishing recommendations for in-season management authority and methods to be used as AMs to prevent overfishing
- Limiting the extent of overfishing, should it occur
- Establishing corrective actions to ensure accountability in a subsequent year for an overage of the OFL for a stock in a previous year
- Considerations for biological relevance of an OFL overage
- Establishing AMs for various sectors, if an ACL is subdivided for a stock, and the need to still prevent exceeding the overall OFL for the stock

Comment Period Ends April 17, 2007

Please E-mail Comments to:
annual.catch.limitDEIS@noaa.gov

Visit Our Website:
http://www.nmfs.noaa.gov/msa2007/

Timeline for Developing and Implementing ACLs & AMs

Estimated Implementation Timeline

Scoping Meetings (see website)	**March-April 2007**
DEIS: Issue NOA and 45-day comment period	**July 2007**
Proposed Rule: Issue rule and 45-day comment period	**July 2007**
FEIS: Issue NOA	**October 2007**
Final Rule	**November 2007**
Councils & NMFS amend FMPs / mgt measures	**Jan 2008 – June 2009**
Secretarial Review of FMP amendments / mgt measures	**June 2009 – Dec 2009**
ACL & AM mechanisms implemented for "overfishing" stocks	**2010**
ACL & AM mechanisms implemented for all other stocks	**2011**

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Schedule of Scoping Meetings

Council	Date	Time	Location
South Atlantic	March 6, 2007	6:30 pm to 7:30 pm	Jekyll Island Club Hotel, Jekyll Island, GA 31527
NMFS	March 9, 2007	9:00 am	NOAA Science Center, 1301 East-West Hwy, Silver Spring, MD
Western Pacific	March 14, 2007	7:30 pm to 9:00 pm	Ala Moana Hotel, Honolulu, HI
Caribbean	March 20, 2007	6:00 pm to 7:00 pm	Ponce Hilton Hotel, Ponce, PR
Gulf of Mexico	March 27, 2007	6:30 pm to 7:30 pm	Embassy Suites Hotel, Destin, FL
North Pacific	March 28-29, 2007**	Morning session	Anchorage Hilton Hotel, Anchorage, AK
Pacific	April 3, 2007**	Afternoon session	Seattle Airport Marriott Hotel, Seattle, WA 98188
New England	April 10, 2007	1:30 pm to 3:00 pm	Mystic Hilton, Mystic, CT
Mid-Atlantic	April 17, 2007	7:00 pm to 8:30 pm	Princess Royale, 9100 Coastal Hwy, Ocean City, MD

Any changes or updates will be published in the Federal Register and posted on our website (see page 3).
**Subject to Council agenda changes during the week of the meeting.

Acronyms

ACL – annual catch limit

AM – accountability measure

B – Biomass

B_{MSY} – long-term average biomass that would be achieved if fishing at a constant fishing mortality rate equal to F_{MSY}.

DEIS – draft environmental impact statement

EA – environmental assessment

EEZ – exclusive economic zone

EIS – environmental impact statement

F – fishing mortality

FEIS – final environmental impact statement

FMP – fishery management plan

F_{MSY} – fishing mortality rate that produces the maximum sustainable yield.

MFMT – maximum fishing mortality threshold

MSA – Magnuson-Stevens Fishery Conservation and Management Act

MSRA – Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006

MSST – Minimum Stock Size Threshold ($B_{threshold}$)

MSY – maximum sustainable yield

NEPA – National Environmental Policy Act

NOA – notice of availability

NOAA – National Oceanic and Atmospheric Administration

NMFS – National Marine Fisheries Service

NOI – notice of intent

NS1 – National Standard One

OFL – overfishing level

OY – optimum yield

SSC – Scientific and Statistical Committee

TAC – total allowable catch

REQUERIMIENTOS DE LIMITES ANUALES DE CAPTURA (ACL, por sus siglas en ingles) Y MEDIDAS PARA CONTABILISAR SEGUN LAS ENMIENDAS DE 2006 A LEY MAGNUSON-STEVENS

La Ley Magnuson-Stevens para la Conservación y Manejo de las Pesquerías (MSA, por sus siglas en inglés) fue reautorizada y enmendada el 12 de enero de 2007, por la Ley de Reautorización Magnuson-Stevens para el Manejo y la Conservación de las Pesquerías (MSRA, por sus siglas en inglés). La MSRA establece **nuevos requisitos para prevenir y terminar la sobrepesca,** que incluyen Límites Anuales de Captura (ACLs) y Medidas para Contabilizar (AMs, por sus siglas en inglés). El 14 de febrero de 2007, El Servicio Nacional de Pesquerías Marinas (NMFS, por sus siglas en inglés) de NOAA publicó un aviso de intención de preparar un estado de impacto ambiental (EIS, por sus siglas en inglés) (72 FR 7016) para las propuestas guías para desarrollar e implementar estos nuevos requerimientos. En estos momentos NMFS se encuentra en el proceso de recogido de información para el EIS y guías.

Las nuevas guías que se están desarrollando servirían de ayuda a los consejos regionales de administración pesquera en el desarrollo de ACLs y AMs para prevenir y terminar la sobrepesca de todos los abastos de pesca comercial y recreativa de los Estados Unidos en el 2010 sujetos a sobrepesca, y en el 2011 para todos los otros, según lo requiere el MSAR. NMFS provee guías para que los encargados de manejar las pesquerías a través de la nación puedan aplicar de los Estándares Nacionales 10 del MSA de forma consistente. NMFS incorporará nuevas guías de ACL y AM dentro de las guías del Estándar Nacional 1, también conocido como “estándar de sobrepesca”.

A pesar de que NMFS y los Consejos han logrado mejoras significativas en estos últimos años, todavía existen varios niveles de sobrepesca en 48 pesquerías en las aguas de los Estados Unidos. La más alta prioridad del MSRA era fortalecer la Ley para asegurar poner fin a la sobrepesca.

Para poner fin a la sobrepesca y prevenir que la misma ocurra en un futuro, la nueva ley requiere que **los planes federales para el manejo de la pesca establezcan mecanismos para límites anuales de captura y medidas para contabilizar los mismos.** La nueva ley también añade, **requerimientos sobre las sugerencias de los científicos en este proceso,** específicamente a través de los Comités Científicos y Estadísticos de los Consejos (SSC, por sus siglas en inglés). Las nuevas guías harán referencia a estas provisiones para el desarrollo de límites anuales de captura.

Este proceso público de recogido de datos provee oportunidad para estos y otros asuntos relacionados con el Estándar Nacional 1, y para recibir comentarios del público sobre el desarrollo de guías relacionadas con los nuevos mandatos. **El período de comentario público termina el 17 de abril de 2007.**

Luego de tomar en consideración el insumo del público recibido por NMFS durante el período de recogido de datos, la agencia desarrollará unas guías propuestas, y luego

llevará a cabo otro período de comentario público. La agencia espera finalizar sus revisiones a las guías de Estándar Nacional 1 para finales del 2007.

REQUERIMIENTOS PARA PREVENIR Y TERMINAR LA SOBREPESCA

Las medidas de conservación y de manejo deben prevenir la sobrepesca a la vez que logren alcanzar, en base continua, un rendimiento máximo de cada pesquería para la industria pesquera de Estados Unidos.

-*Estándar Nacional 1*

Comenzando el 12 de julio de 2009, dentro de 2 años de notificación de que un abasto esta sobrepescado o en peligro de sobrepesca, se deben preparar e implementar medidas para terminar la sobrepesca inmediatamente y para el reabastecimiento de la misma.

-*Sección 304(e)(4) MSA, requerimientos según enmendada por la Sección 104(c) y 104(d) MSRA*

Se requiere que cada Consejo "desarrolle límites anuales de captura para cada una de las especies manejadas, que no excedan las recomendaciones de niveles de pesca hechas por sus comités científicos y estadísticos o en el proceso de revisión del público establecido bajo la sub-sección (g)".

-*Sección 302(h)(6) MSA según enmendada por la Sección 103(c)(3) MSRA*

"(g) COMITES Y PANELES ASESORES. –

(1)(A) Cada Consejo debe establecer, mantener, y designar los miembros de un comité científico y estadístico que le provea asistencia en el desarrollo, recopilación, evaluación, y revisión de la información estadística, biológica, económica, social y de cualquier otro tipo relevante al desarrollo y enmienda de cualquier plan de Consejo para el manejo de la pesca.

(B) Cada comité científico y estadístico debe proveerle continuamente al consejo asesoría científica para las decisiones en el manejo de la pesca, incluyendo recomendaciones de captura biológica aceptable, previniendo la sobrepesca, rendimiento máximo sustentable, y para lograr metas de reabastecimiento, y reportar el estado y salud de los abastos, pesca incidental, estado del hábitat, impactos sociales y económicos de las medidas de manejo, y sustentabilidad de las prácticas de pesca.

(C) Los miembros del comité científico y estadístico designados por el consejo deben ser empleados federales o estatales, académicos, o expertos independientes y deben tener serias credenciales científicas o técnicas al igual que experiencia.

(D) El Secretario y cada consejo podrán establecer un proceso de revisión pública de la información científica utilizada para asesorar al Consejo sobre la conservación y manejo de la pesca. El proceso de revisión, que puede incluir comités y paneles existentes, tiene que cumplir con los requisitos de las guías establecidos conforme a la sección 515 de la Ley de Apropiaciones del Tesoro y el Gobierno General del año fiscal 2001 (Ley Pública 106-554-Apéndice C; 114 Stat. 2763A-153).[...]"

-Sección 302(g) MSA según enmendada por la Sección 103(b)(1) MSRA

Los planes de manejo para la pesca deben "establecer un mecanismo para especificar en el plan los límites anuales de captura (incluyendo un plan multianual), para implementar reglamentaciones, o especificaciones anuales a un nivel en el cual no ocurra sobrepesca, incluyendo medidas para asegurar que se contabilice el mismo."

-Sección 303(a) MSA según enmendada por la Sección 104(a)(10) MSRA

No debe aplicar a pesquerías de especies que tienen un ciclo de vida de aproximadamente un año, a menos que el Secretario haya determinado que esa pesquería esta sujeta a la sobrepesca de esas especies

-Sección 104(b)(2) MSRA

Debe ser aplicable a una pesquería a menos que esté ya incluido en un acuerdo internacional en el cual participe Estados Unidos

-Sección 104(b)(1) MSRA

ALCs debe ser implementado:

- En el año 2010 para pesquerías que el Secretario ha determinado están sujetas a sobrepesca
  -Sección 104(b)(1)(A)
- En el 2010 para el resto de las pesquerías
  -Sección 104(b)(1)(B)

ASUNTOS CLAVES A SER CONSIDERADOS EN EL DESARROLLO DE GUIAS DE ACLs Y Ams

NMFS ha identificado los siguientes asuntos claves a ser considerados en el desarrollo de guías para límites anuales de captura (ACLs) y medidas de contabilizar (AMs) y está abierto a recibir comentarios del público en relación a estos y otros asuntos relacionados a NS1 durante el proceso de recogido de información.

- El papel que juega el SSC y otros procesos de revisión pública en el establecimiento de ACLs y AMs
- La relación entre ACL y OY
- Revisión de definiciones de sobrepesca existentes para incluir OFL
- Variabilidad de los datos actuales disponibles para cada abasto
- Establecimiento de ACLs para abastos con poca o ninguna información
- Establecimiento de ACLs y AMs para pesquerías con componente recreativa
- Circunstancias bajo las cuales un ACL numérico no puede ser establecido para un abasto, y en tales situaciones, recomendaciones de alternativas apropiadas y adecuadas para establecer un ACL numérico (por ejemplo, prohibiciones)
- Establecimiento de ACLs para abastos complejos, ensamblaje de abasto, y agrupaciones de abastos similares
- Variabilidad de para lograr metas para los niveles de pesca
- Establecimiento de amortiguamiento entre ACL y OFL para evitar la sobrepesca, y como determinar el tamaño de área de amortiguamiento que se necesita
- Establecimiento de probabilidad apropiada de que las medidas de ACL y AM evitarán la sobrepesca del abasto
- Establecimiento de recomendaciones para una autoridad de manejo en temporada, y métodos que serán utilizados como AMs para evitar la sobrepesca
- Limitar que se extienda la sobrepesca, si así ocurriera
- Establecimiento de acciones correctivas para asegurar la contabilización en el año subsiguiente para un excedente de OFL para un abasto en un año previo
- Consideración de relevancia biológica de un excedente de OFL
- Establecimiento de AMs para varios sectores, si un ACL es subdividido para un abasto, y la necesidad de prevenir sobrepasar el excedente de OFL para un abasto

PERIODO DE COMENTARIOS TERMINA EL 17 DE ABRIL DE 2007

FAVOR DE ENVIAR LOS COMENTARIOS POR CORREO ELECTRÓNICO A:
Annual.catch.limitDEIS@noaa.gov

Visite nuestra página en la Web:
http://www.nmfs.noaa.gov/msa2007/

CALENDARIO ESTABLECIDO PARA LA IMPLEMENTACION DE ACLs y AMs

CALENDARIO ESTIMADO PARA LA IMPLEMENTACION

Reuniones de Recogido de Información (Ver página de Web)	Marzo-Abril 2007
DEIS: Publicación de NOA y período de 45 días para comentarios	Julio 2007
Reglamentación Propuesta: Publicación de reglamentación y período de 45 días para comentarios	Julio 2007
FEIS: Publicación NOA	Octubre 2007
Reglamentación Final	Noviembre 2007
Enmiendas de Consejos/NMFS a FMPs/Medidas de Manejo	Enero 2008-Junio 2009
Revisión del Secretario de Enmiendas a FMPs/ Medidas de Manejo	Junio 2009-Dic. 2009
Mecanismos ACL y AM Implementados para Especies en Sobrepesca	2010
Mecanismos ACL y AM Implementados para Todas las Demás Especies	2011

CALENDARIO DE REUNIONES PARA LA RECOPILACION DE DATOS

CONSEJO	FECHA	HORA	LUGAR
South Atlantic	**6 de marzo 2007**	**6:30pm a 7:30pm**	**Jekill Island Club Hotel, Jekill Island GA 31527**
NMFS	**9 de marzo 2007**	**9:00am**	**NOAA Science Center, 1301 East West Hwy, Silver Spring, MD**
Western Pacific	**14 de marzo 2007**	**7:30pm a 9:00pm**	**Ala Moana Hotel, Honolulu, HI**
Caribbean	**20 de marzo 2007**	**6:00pm a 7:00pm**	**Ponce Hilton Hotel, Ponce, PR**
Gulf of México	**27 de marzo 2007**	**6:30pm a 7:00pm**	**Embassy Suites Hotel, Destin, FL**
North Pacific	**28-29 de marzo 2007****	**Sesión de la mañana**	**Anchorage Hilton Hotel, Anchorage, AK**
Pacific	**3 de abril 2007****	**Sesion de la tarde**	**Seattle Aiport Marriot Hotel, Seattle, WA 98188**
New England	**10 de abril 2007**	**1:30pm a 3:00pm**	**Mystic Hilton, Mystic, CT**
Mid Atlantic	**17 de abril 2007**	**7:00pm a 8:30pm**	**Princess Royale, 9100 Coastal Hwy, Ocean City, MD**
Cualquier cambio será publicado en el Federal Register y anunciado en nuestra página de Web (ver pagina 3). **Sujeto a cambios en la agenda del Consejo durante la semana de la reunión.			

SIGLAS

ACL – Límite anual de captura

AM – Medidas para Contabilizar

B – biomasa

Bmsy – estimado a largo plazo de biomasa alcanzado si se pesca a un nivel de mortalidad constante equivalente a Fmsy

DEIS – borrador de estado de impacto ambiental

EA – evaluación ambiental

EEZ – zona económica exclusiva

EIS – estado de impacto ambiental

F – mortalidad de la pesca

FEIS – estado de impacto ambiental final

FMP – plan de manejo de pesca

Fmsy – nivel de mortalidad de pesca para producir un nivel máximo sustentable

MFMT – límite en nivel máximo de mortalidad

MSA – Ley Magnuson-Steven para la Conservación y Manejo de las Pesquerías

MSRA - Reautorización en el 2006 de la Ley Magnuson-Stevens para la Conservación y Manejo de las Pesquerías

MSST – límite de tamaño mínimo de los abastos (umbral)

MSY – nivel máximo sustentable

NEPA – Ley Nacional de Política Ambiental

NOA - aviso de disponibilidad

NOAA – Administración Nacional de los Océanos y el Ambiente

NMFS – Servicio Nacional de Pesquerías Marinas

NOI – aviso de intención

NS1 – Estándar Nacional 1

OFL – nivel de sobrepesca

OY – rendimiento máximo

SSC – Comité Científico y Estadístico

TAC – total de capturas aceptables