

13. ETAA and Members may exchange and discuss information on the following:

(a) Information about sales and marketing efforts for the Export Markets, activities and opportunities for sales of fresh tree fruits in the Export Markets, selling strategies for the Export Markets, sales for the Export Markets, contract and spot pricing in the Export Markets, projected demands in Export Markets for fresh tree fruits, customary terms of sale in the Export Markets, prices and availability of fresh tree fruits from competitors for sale in the Export Markets, and specifications for fresh tree fruits by customers in the Export Markets;

(b) Information about the export price, quality, quantity, source, and delivery dates of fresh tree fruits available from the Members to export;

(c) Information about terms and conditions of contracts for sale in the Export Markets to be considered and/or bid on by ETAA and Members;

(d) Information about joint bidding or selling arrangements for the Export Markets and allocations of sales resulting from such arrangements among the Members;

(e) Information about expenses specific to exporting to and within the Export Markets, including without limitation, transportation, trans- or intermodal shipments, insurance, inland freights to port, port storage, commissions, export sales, documentation, financing, customs duties and taxes;

(f) Information about United States and foreign legislation and regulations, including federal marketing order programs that may affect sales for the Export Markets;

(g) Information about ETAA or Members' export operations, including without limitation, sales and distribution networks established by ETAA or Members in the Export Markets, and prior export sales by Members (including export price information);

(h) Exchange information with and among the Members as necessary to carry out the Export Trade Facilitation Services, Export Trade Activities and Methods of Operation; and

(i) Information about export customer credit terms and credit history.

Dated: July 28, 2004.

**Vanessa M. Bachman,**

*Acting Director, Office of Export Trading Company Affairs.*

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**BILLING CODE 3510-DR-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 072704D]

#### Fisheries of the Caribbean, Gulf of Mexico and South Atlantic; Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Region; Environmental Assessment for Amendment 15

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

**ACTION:** Notice announcing the preparation of an environmental assessment (EA).

**SUMMARY:** NMFS, in cooperation with the Gulf of Mexico and the South Atlantic Fishery Management Councils (Councils), is preparing an EA in accordance with the National Environmental Policy Act (NEPA) for Amendment 15 to the Fishery Management Plan for Coastal Migratory Pelagic Resources (Amendment 15). This notice is intended to inform the public of the change from the preparation of a draft supplemental environmental impact statement (DSEIS) to the preparation of an EA for Amendment 15.

**FOR FURTHER INFORMATION CONTACT:** Rick Leard; telephone: 813-228-2815 ext. 228; fax: 813-225-7015; e-mail: [Rick.Leard@gulfcouncil.org](mailto:Rick.Leard@gulfcouncil.org); or Steve Branstetter; telephone: 727-570-5796; fax: 727-570-5583; e-mail: [steve.branstetter@noaa.gov](mailto:steve.branstetter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** On February 13, 2004 (69 FR 7187) and April 9, 2004 (69 FR 18875), NMFS and the Councils published Notices of Intent in the **Federal Register** to prepare a DSEIS and to announce scoping meetings regarding the actions proposed in Amendment 15. Amendment 15 proposes two actions: (1) consideration of alternatives to address limited access in the king mackerel fishery of the Gulf of Mexico and South Atlantic region, and (2) a possible change in the fishing year for Atlantic migratory groups of king and Spanish mackerel.

The fishery for king mackerel operates under a moratorium on the issuance of new commercial vessel permits. The moratorium is scheduled to expire on October 15, 2005. Amendment 15 examines alternatives that would allow the moratorium to expire, extend the existing moratorium for a designated time frame, or establish a more

permanent limited access system for the king mackerel fishery.

The current fishing year for Atlantic migratory groups of both king and Spanish mackerel extends from April 1 through March 31. The Councils are considering a potential change in the fishing year from an April 1 opening to either a January 1 opening or a March 1 opening.

Based on comments received during the scoping process, and further analyses of the environmental impacts of the actions proposed in Amendment 15, NMFS and the Councils do not anticipate any significant impacts on the human environment. Consequently, NMFS and the Councils are initially preparing an EA rather than proceeding with the development of a DSEIS. If the EA results in a Finding of No Significant Impact (FONSI), the EA and FONSI will be the final environmental documents required by NEPA. If the EA reveals that significant environmental impacts may be reasonably expected to result from the proposed actions, NMFS and the Councils will develop a DSEIS to further evaluate those impacts.

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

Dated: July 29, 2004.

**Alan D. Risenhoover,**

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

[FR Doc. 04-17669 Filed 8-2-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 072604A]

RIN 0648-AP02

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Rebuilding Plan

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

**ACTION:** Notice of availability of Amendment 22 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Amendment 22); request for comments.

**SUMMARY:** NMFS announces the availability of Amendment 22 prepared by the Gulf of Mexico Fishery Management Council (Council). Amendment 22 would provide the regulatory authority to implement a mandatory observer program for selected commercial and for-hire

(charter vessel/headboat) vessels in the Gulf of Mexico reef fish fishery. This observer program would be an important component of a standardized methodology to collect bycatch information in the fishery. In addition, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Amendment 22 would establish a stock rebuilding plan, biological reference points, and stock status determination criteria for red snapper in the Gulf of Mexico. The intended effect of these proposed regulations is to end overfishing and rebuild the red snapper resource.

**DATES:** Written comments must be received no later than 5 p.m., eastern time, on or before October 4, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- E-mail: [0648-AP02.NOAA@noaa.gov](mailto:0648-AP02.NOAA@noaa.gov). Include in the subject line the following identifier: 0648-AP02.

- Federal e-Rulemaking Portal: <http://www.regulations.gov>.

- Mail: Peter Hood, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Copies of Amendment 22, which includes a Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analyses (IRFA), and a Supplemental Environmental Impact Statement (SEIS) may be obtained from the Gulf of Mexico Fishery Management Council, The Commons at Rivergate, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; telephone: 813-228-2815; fax: 813-225-7015; e-mail: [gulfcouncil@gulfcouncil.org](mailto:gulfcouncil@gulfcouncil.org). Copies of Amendment 22 can also be downloaded from the Council's website at [www.gulfcouncil.org](http://www.gulfcouncil.org).

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule must be submitted to Robert Sadler, Southeast Region, NMFS, at the St. Petersburg mailing address stated above, and by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or fax to 202-395-7285.

**FOR FURTHER INFORMATION CONTACT:** Peter Hood, telephone: 727-570-5305, fax: 727-570-5583, e-mail: [peter.hood@noaa.gov](mailto:peter.hood@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622.

## Background

In May 2001, the Council submitted to NMFS a regulatory amendment to the FMP, based on NMFS's 1999 stock assessment, that proposed to redefine biological reference points and status determination criteria for the red snapper stock and proposed a plan to rebuild the red snapper stock to the stock biomass capable of producing maximum sustainable yield on a continuous basis ( $B_{MSY}$ ) by the year 2032. The rebuilding plan proposed in the regulatory amendment was based on analyses provided by NMFS in 2000. Because the incidental catch of juvenile (age 0-age 1) red snapper in the shrimp trawl fishery comprises the vast majority of the total fishing mortality on red snapper, the success of the rebuilding plan is primarily dependent upon potential reductions in shrimp trawl bycatch.

According to NMFS's stock assessment, the number of juvenile red snapper taken incidental to the shrimp trawl fisheries accounted for about 90 percent of the total red snapper harvest prior to the implementation of a April 14, 1998, rule (63 FR 1813) requiring the use of bycatch reduction devices (BRDs), which are estimated to have reduced shrimp trawl bycatch mortality of red snapper by 40 percent. However, the Council's Reef Fish Stock Assessment Panel indicated even greater reductions would be required to rebuild the red snapper stock to  $B_{MSY}$  within the maximum recommended 31-year time frame, even if the directed red snapper fishery were eliminated.

NMFS returned the red snapper regulatory amendment to the Council in July 2002, identifying the need to further explore alternative rebuilding plans based on realistic expectations for further reductions in shrimp trawl bycatch, and to more fully evaluate the impacts of these alternatives in a Supplemental Environmental Impact Statement (SEIS). Additionally, NMFS suggested the need to better address the bycatch provisions of the Magnuson-Stevens Act. Amendment 22 was developed in response to NMFS's suggestions.

## Biological Reference Points and Stock Status Determination Criteria Proposed in Amendment 22

Consistent with the requirements of the Magnuson-Stevens Act, Amendment 22 would establish the following biological reference points and stock status criteria for Gulf of Mexico red snapper: maximum sustainable yield (MSY); optimum yield (OY); maximum fishing mortality threshold (MFMT) (the

fishing mortality rate which, if exceeded, would constitute overfishing); and minimum stock size threshold (MSST) (the stock size below which the stock would be considered overfished).

MSY for red snapper would equal the yield associated with fishing at  $F_{MSY}$  (currently estimated at 0.092); thus, MSY would equal 41.13 million lb (18.66 million kg) whole weight (wwt), assuming low maximum recruitment and an initial steepness of 0.90 for the stock-recruitment relationship.

Until the red snapper stock recovers to the target level,  $B_{MSY}$ , the harvest for red snapper would be defined as consistent with the rebuilding strategy proposed in Amendment 22. After achieving  $B_{MSY}$ , the OY for red snapper would correspond to a fishing mortality rate ( $F_{OY}$ ) defined as  $F_{OY} = 0.75 * F_{MSY} = 0.069$ .

Red snapper MSST would equal  $(1 - M) * B_{MSY} = 2.453$  billion lb (1.112 billion kg) wwt where  $B_{MSY} = 2.726$  billion lb (1.237 billion kg) wwt and M (natural mortality) = 0.1.

Red snapper MFMT would be equal to  $F_{MSY}$  which is currently estimated at 0.092.

## Stock Rebuilding Plan

The Magnuson-Stevens Act requires a rebuilding plan to establish a schedule for rebuilding an overfished stock that is as short as possible, and not to exceed 10 years, except in cases where the biology of the stock, other environmental conditions, or management measures under an international agreement dictate otherwise. The National Standard Guidelines provide a formula for calculating the maximum rebuilding schedule in situations where it would take 10 years or longer to rebuild a stock to  $B_{MSY}$  in the absence of fishing mortality. Applied to the red snapper stock, this formula defines the maximum recommended rebuilding schedule as 31 years (e.g., time it would take to rebuild the stock to  $B_{MSY}$  in the absence of fishing mortality (12 years) plus one mean generation time (19.6 years)). Implicit to establishing a rebuilding plan for a stock is the assumption that overfishing will end sometime during the rebuilding period. When overfishing ends depends on the type of rebuilding schedule selected.

For Gulf of Mexico red snapper, the rebuilding plan would initially maintain total allowable catch at 9.12 million lb (4.14 million kg) wwt, end overfishing between 2009 and 2010, and rebuild the red snapper stock by 2032. The status of the stock would be reviewed and management measures would be adjusted, as necessary, based upon

periodic stock assessments. The next stock assessment is scheduled for late 2004. Annual landings also would be monitored to ensure quotas are not exceeded.

#### Bycatch Reporting Methodology

The Council is required by the Magnuson-Stevens Act to establish a standardized bycatch reporting methodology for Federal fisheries. Current regulations require commercial and recreational for-hire participants in the Gulf of Mexico reef fish fishery who are selected by the Southeast Science and Research Director (SRD) to maintain and submit a fishing record, including bycatch information, on forms provided by the SRD.

To enhance current bycatch reporting, Amendment 22 would provide for the establishment of a mandatory observer program for the reef fish fishery. NMFS would develop a procedure for the random selection of vessels for which a Federal commercial vessel permit or charter vessel/headboat permit for Gulf of Mexico reef fish has been issued. A vessel selected by NMFS would be required to carry a NMFS-approved observer. The owner or operator of a vessel selected for observer coverage would be required to provide food and accommodations for the observer and provide the observer access to the vessel's equipment, personnel, and physical space sufficient to carry out the observer's duties. The costs associated with observer coverage, other than food and accommodations, would be borne by NMFS. In selecting vessels, NMFS would consider the suitability of the vessel for observer coverage and would ensure that the universe of vessels included is representative of all statistical sub-zones in the Gulf of Mexico. Vessel permits would not be renewed for vessels that fail or refuse to carry observers in accordance with this process. NMFS would initiate full implementation of the observer program as soon as sufficient funding for the program is obtained.

In addition, to further improve bycatch reporting for the headboat sector of the Gulf of Mexico reef fish fishery, NMFS's Marine Recreational Fisheries Statistical Survey (MRFSS) would be enhanced by including headboats, using the same sampling methodology as is currently used for charter vessels. The existing MRFSS catch-and-effort program would be continued to collect bycatch information from the private recreational sector of the fishery.

A proposed rule that would implement measures outlined in Amendment 22 has been prepared. In

accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with Amendment 22, the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Written comments received by October 4, 2004, whether specifically directed to the FMP or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve Amendment 22. Comments received after that date will not be considered by NMFS in this decision. Written comments received by NMFS on Amendment 22 or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: July 27, 2004.

**Alan D. Risenhoover,**

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

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 071904A]

#### Caribbean Fishery Management Council; Public Meeting

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

**ACTION:** Notice of Public Meetings.

**SUMMARY:** The Caribbean Fishery Management Council (Council) and its Administrative Committee will hold meetings.

**DATES:** The meetings will be held on August 17-18, 2004. The Council will convene on Tuesday, August 17, 2004, from 9 a.m. to 5 p.m., and the Administrative Committee will meet from 5:15 p.m. to 6:15 p.m. The Council will reconvene on Wednesday, August 18, 2004, from 9 a.m. to 5 p.m., approximately.

**ADDRESSES:** The meetings will be held at The Buccaneer Hotel, Estate Shoys, Christinasted, St. Croix, USVI 00824.

**FOR FURTHER INFORMATION CONTACT:** Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-1920; telephone: (787) 766-5926.

**SUPPLEMENTARY INFORMATION:** The Council will hold its 116th regular public meeting to discuss the items contained in the following agenda:

#### August 17, 2004

9 a.m. - 5 p.m.

Call to Order

Election of Officials

Adoption of Agenda

Consideration of 115th Council Meeting Verbatim Minutes

Executive Director's Report

Presentations

NOAA/National Ocean Service (NOS) Biogeography Program—Mark Monaco  
Trap Studies Update—Ron Hill  
Limited Entry Project—Bob Trumble  
Update on Socio-Economic Survey of PR and USVI Fishers—Manuel Valdes-Pizzini

Marine Protected Areas (MPAs)—Brock Bernstein

NOAA Fisheries Recreational Strategic Plan—Michael Kelly  
East End Marine Park, St. Croix,

USVI—Susan Curtis

Coral Reefs Studies Update—Jorge R. Garcia-Sais

Essential Fish Habitat (EFH) Update—Graciela Garcia-Moliner

Sustainable Fisheries Act (SFA) Document on Emergency Action—Grammanik Bank

5:15 p.m. - 6:15 p.m.

Administrative Committee Meeting

Advisory Panel (AP)/Scientific and Statistical Committee (SSC)/Habitat Advisory Panel (HAP) Membership Budget: 2002, 2003, 2004-05  
Pending Travel and Contracts  
Other Business

#### August 18, 2004

9 a.m. - 5 p.m.

Continuation of Discussion on SFA Document and Emergency Action—Grammanik Bank

Enforcement Report

Puerto Rico

U.S. Virgin Islands

NOAA

U.S. Coast Guard

Administrative Committee Recommendations

#### August 17, 2004

Meetings Attended by Council Members and Staff

Other Business

Next Council Meeting

The meetings are open to the public, and will be conducted in English.