

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 253.23

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**SUMMARY:** The National Marine Fisheries Service (NOAA Fisheries) is today seeking early comment on proposed definitions, procedures and provisions of Sections 312(a) and 315 of the Magnuson-Stevens Fishery Conservation Act (MSA) (16 U.S.C. § 1861 and 1864), as amended and Sections 308(b) and 308(d) of the Interjurisdictional Fisheries Act (IFA) (16 U.S.C. § 4107), as amended. NMFS plans to issue regulations to implement those provisions. Today's notice solicits information or data from the general public, fishing industry, scientific community, coastal communities and Federal and State resource agencies on all aspects of Fisheries Disaster Assistance, including the following topics:

- 1) Definition of a Commercial Fishery Failure.
- 2) Definition of Fishery Resource.
- 3) Definition of a Fishery Resource Disaster.
- 4) Degree to which those engaged in a fishery suffer severe economic hardship and how we apply this across different fisheries. (i.e. Quantifiable – percent or dollar of revenue decline, catch, etc.)
- 5) Characteristics or parameters of a Fishery Resource Disaster.
- 6) Defining the end date of a disaster determination. (i.e. one year or several years).
- 7) Defining what type of information an applicant is required to provide to request a disaster determination.
- 8) Defining what type of information an application is required to provide to request a commercial fishery failure.
- 9) Defining the scope of biological data to be reviewed (i.e. fishing season, fishing year, or event driven).
- 10) Defining the scope of economic data to be reviewed (i.e. one year or several years).
- 11) Defining what constitutes a Regional Catastrophic Fishery Failure.
- 12) When a fishery is located in multiple states, can an individual state request a determination of a Commercial Fishery Failure due to a Fishery Resource Disaster based on that state's conditions alone.

The input received from the public in response to this notice will assist NMFS in determining issues to be addressed and the possible approach for future proposed rulemaking that will define criteria for determining whether a commercial fishery failure due to a fishery resource disaster has occurred. NMFS will review the comments received in response to this request to develop a proposed rule and ultimately a final rule to implement Sections 312(a) and 315 of the MSA and Sections 308(b) and 308(d) of the IFA.

Further identification of any other topics would help NMFS draft a proposed rule, which would help ensure an orderly, efficient and consistent application of Fisheries Disaster Assistance provisions.

**DATES:** In order to be considered, comments or information in response to this notice must be received no later than 5 PM on January 4, 2008.

**ADDRESSES:** You may submit comments in one of three ways (no duplicates, please).

- 1) e-Mail: Comments should be addressed to [Stephen.Aguzin@noaa.gov](mailto:Stephen.Aguzin@noaa.gov).
- 2) Fax: (301) 713-1306. (Attn: Steve Aguzin)

- 3) Regular or Overnight Mail: NOAA/NMFS, Attn: Steve Aguzin, 1315 East-West Highway, Room 13134, Silver Spring, MD 20910

**FOR FURTHER INFORMATION CONTACT:** For further information on this web posting, contact Steve Aguzin, National Oceanic and Atmospheric Administration / NMFS, 1315 East-West Highway, Room 13134, Silver Spring, MD 20910, Phone: (301) 713-2358 (x 215), e-mail: [Stephen.Aguzin@noaa.gov](mailto:Stephen.Aguzin@noaa.gov)