



**WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL**

**Amendment 3**

**to the**

**Fishery Management Plan for the  
Precious Corals Fisheries  
of the Western Pacific Region**

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**(includes Environmental Assessment and Regulatory Impact Review)**

**March 1998**

**Western Pacific Regional Fishery Management Council  
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## 2.0 SUMMARY

The Western Pacific Fishery Management Council is operating in an environment of great uncertainty with regard to the distribution and abundance of precious coral resources, especially with regard to those in Exploratory Areas. Given this situation, the Council includes in the FMP (through this amendment) framework procedures which would provide for adjustments of certain management measures as more information on the fisheries and the status of the stocks becomes available. A framework process offers greater flexibility and shorter response times to detectable changes in the fishery.

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**4.0 INTRODUCTION**

**4.1 Responsible Agencies**

The Western Pacific Regional Fishery Management Council (Council or WPRFMC) was established by the Magnuson Fishery Conservation and Management Act (Magnuson Act) to develop fishery management plans (FMPs) for fisheries operating in the US Exclusive Economic Zone (EEZ) around American Samoa, Guam, Hawaii, the Northern Mariana Islands and US possessions in the Pacific. Once an FMP is approved by the Secretary of Commerce (Secretary), it is implemented by federal regulations which are enforced by the National Marine Fisheries Service (NMFS) and the US Coast Guard, in cooperation with state agencies.

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**4.2 Public Review Process and Schedule**

A summary of draft preliminary Amendment 3 was presented at meetings of the Council's Precious Coral Plan Team and Scientific and Statistical Committee. A public hearing was held on Oahu at the November 1997 Council meeting. The preliminary draft amendment package was available upon request to any interested people. The Council took action in November 1997 and directed staff to complete Amendment 3 for public review.

**4.3 List of Preparers**

Amendment 3 was prepared by (listed alphabetically):

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## 5.0 BACKGROUND

### 5.1 Species of Concern and Their Biological Characteristics

Harvesting of deep-water precious corals is subject to the regulations of the FMP which became effective on September 29, 1983. The FMP covers domestic and foreign fishing for precious corals in the US EEZ of the Western Pacific Region. Precious coral includes the following coral species:

Pink coral (also known as red coral), *Corallium secundum*

Pink coral (also known as red coral), *Corallium regale*

Pink coral (also known as red coral), *Corallium lacuense*

Gold coral, *Gerardia* spp.

Gold coral, *Narella* spp.

Gold coral, *Calyptrophora* spp.

Bamboo coral, *Lepidisis olapa*

Bamboo coral, *Acanella* spp.

Black coral, *Antipathes dichotoma*

Black coral, *Antipathes grandis*

Black coral, *Antipathes ulex*

These species of precious corals are found in deep water (350-450 m and 1000-1500 m) on solid substrate where bottom currents are strong. Precious corals are slow growing and are characterized by low rates of mortality and recruitment. Natural populations are relatively stable, and a wide range of age classes are generally present. This life history pattern (longevity and many year classes) has two important consequences with respect to exploitation. First, the response of the population to exploitation is drawn out over many years. Second, because of the great longevity of individuals, and the associated slow rates of turnover in the populations, a long period of reduced fishing effort is required to restore the ability of the stock to produce at maximum sustainable yield (MSY) if a stock has been overexploited for several years.

### 5.2 Distribution in the EEZ

The FMP identifies the problem of managing a resource of unknown dimensions characterized by slow growth, low rates of mortality and low rates of recruitment. Precious corals are known to exist in the EEZ around Hawaii and very likely exist in the EEZ around American Samoa, Guam, the Commonwealth of the Northern Marianas and the US possessions, but virtually nothing is known of their distribution and abundance in these areas. So far, beds of pink,

gold and/or bamboo coral have been found at six locations, all in the EEZ around Hawaii. The annual sustainable harvest from these six beds is estimated at approximately 3000 kg per year for all species of precious coral combined. Of the known beds in the Hawaiian Island chain only the Makapu'u bed off Oahu has been accurately surveyed for commercial harvesting.

## **6.0 EXISTING MANAGEMENT MEASURES**

The Fishery Management Plan for the Precious Coral Fisheries of the Western Pacific Region was developed by the Council, and its regulations were published by the National Marine Fisheries Service at 48 FR 39231, 30 August 1983. In the FMP, precious coral beds are treated as distinct management units because of their widely-separated patchy distribution and the sessile nature of individual colonies. The beds are classified as Established, Conditional, Refugia or Exploratory. Established Beds are ones for which appraisals of MSY are reasonably precise. To date, only Makapu'u bed has been studied adequately enough to be classified as Established. Conditional Beds are ones for which estimates of MSY have been calculated by comparing the size of the beds to that of the Makapu'u bed and then multiplying the ratio by the yield from the Makapu'u bed. It is assumed that ecological conditions at the Makapu'u bed are representative of conditions at all other beds. Five beds of precious corals are classified as Conditional, all of them located in the EEZ around Hawaii. Refugia Beds are areas set aside for baseline studies and possible reproductive reserves. No harvesting of any type is allowed in those areas. The single Refugia Bed that has been designated - the Westpac bed - is also located in the EEZ surrounding Hawaii. Exploratory Areas are the unexplored portions of the EEZ. Separate Exploratory Permit Areas are established for Hawaii, American Samoa and Guam.

The regulations prescribe methods of harvest for each category of coral bed and harvest quotas for individual beds. Only selective gear is permitted in the EEZ around the main Hawaiian Islands, i.e., south and east of a line midway between Niihau and Nihoa Islands. Use of both selective and nonselective gear is permitted on the Conditional Beds of Brooks Bank and the 180 Degree Fathom Bank and throughout the Exploratory Area of the Northwestern Hawaiian Islands. Quotas have been established for pink, gold and bamboo coral populations in the Makapu'u bed and in the Conditional Beds. There are no quotas for the harvest of black corals. Pink coral harvested from the Makapu'u bed, the Keahole Point bed and the Kaena Point bed must have attained a minimum height of ten inches.

If tangle net dredges are employed on Conditional Beds, the weight quota is only 20% of that allowed for selective harvesting. In addition to regulating harvesting methods and harvest amounts, the FMP establishes a procedure for redesignating coral beds from Exploratory to Conditional and from Conditional to Established as new beds are located and more catch/effort data become available which will allow more precise determinations of sustainable yields.

The FMP has been amended twice. The first amendment, implemented by rules published at 53 FR 24660 on 29 June 1988, applied the management measures of the FMP to all US Pacific Insular Areas other than Guam, American Samoa and the Northern Mariana Islands by incorporating them into a single Exploratory Permit Area; expanded the managed species to include Midway Deep-sea coral; and outlined provisions for experimental fishing permits designed

to stimulate the domestic fishery.

Amendment 2, implemented by rules published at 53 FR 27521 on 21 July 1988, defined overfishing with respect to Established Beds as follows: An Established Bed shall be deemed overfished with respect to recruitment when the total spawning biomass (all species combined) has been reduced to 20% of its unfished condition. This definition applies to all species of precious corals, and is based on cohort analysis of the pink coral, *Corallium secundum*.

## 7.0 NEED FOR ACTION

### 7.1 Description of Fishery

No significant domestic precious corals fishery has developed since the FMP was implemented. The lack of domestic involvement is due, at least in part, to the present 1000 kg annual harvest quotas for Exploratory Areas. Some potential entrants have indicated that the quotas are too small to provide the economic incentive necessary to induce exploration. No legal foreign fishing has taken place possibly for the same reason.

Amendment 1 to the FMP established an "experimental fishing permit" (EFP) system, under which a US interest could potentially fish with higher quotas or innovative gear under tightly monitored conditions. It was hoped that this approach would stimulate the domestic fishery. However, only one party fished under an EFP in the EEZ around Hawaii, making three trips with virtually no success. There has been no fishing since 1990.

### 7.2 Status of Coral Beds

The cumulative harvest of *Corallium* from the Makapu'u bed between 1966 and 1978 was about 32% of the standing stock. The average annual harvest was 685 kg, somewhat less than the estimated MSY of 1000 kg. Surveys of the Makapu'u bed in 1983 and 1985 showed substantial recovery at rates in close agreement with model predictions in the FMP. The Makapu'u bed appears to be healthy enough to once again sustain a small domestic harvest quota. The most recent survey of the bed showed it to be at least 15 percent larger than indicated by previous surveys.<sup>1</sup> The survey also showed that the recovery of pink coral has increased from 74% of the virgin biomass in 1978 to 90% in 1997. However, the assessment indicated that the recruitment of gold coral at the Makapu'u bed may be very low.

Nothing is known about the status of the precious coral resources in the Exploratory Areas. Foreign poaching has been a serious problem in the past. During the 1980s Japanese and Taiwanese coral vessels violated the EEZ frequently near the Hancock Seamounts. In 1985, Taiwanese coral draggers reportedly poached about 100 tons of *Corallium* from seamounts within the EEZ north of Gardner Pinnacles and Laysan Island. Absence of poaching since that

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<sup>1</sup>Richard W. Grigg. Resurvey of the Makapu'u Precious Coral Bed: August 21 - 22, 1997. Report to the 94th meeting of the Western Pacific Council held in November 1997.

time could indicate that the resources in these areas have been economically exhausted. With the exception of the Makapu'u bed and those beds harvested by foreign fishermen, most other precious coral beds within the EEZ are believed to be in an unexploited or "virgin" state.

### **7.3 Need for Action**

The Council is operating in an environment of great uncertainty with regard to the distribution and abundance of precious coral resources, especially with regard to those in Exploratory Areas. Given this situation, the Council includes in the FMP (through this amendment) framework procedures which would provide for adjustments of certain management measures as more information on the fisheries and the status of the stocks becomes available. A framework process offers greater flexibility and shorter response times to detectable changes in the fishery. For example, quotas could be quickly brought in line with the abundance and distribution of the resource as information is collected by the fishery. In the case of the harvest of black corals, a quota or other regulations could be readily imposed, if necessary. With the framework procedures, quota revisions would not require amending the FMP, which can be quite slow and costly for both the Council and NMFS.

## **8.0 PREFERRED ACTIONS**

The following framework process allows for modifying the regulatory measures that govern the precious corals fishery if the information supports such changes.

### **8.1.1 Regulatory Procedure 1: Modification of Established Measures**

Established measures are those that are, or have been, in place for the fishery, including: fishing seasons, classification of coral beds, harvest quotas for all management unit species, size restrictions, area restrictions, gear restrictions, incidental catches, and permit conditions. The estimated and potential impacts of these measures have been evaluated in the FMP. Changes in established measures would be made under the following procedure:

1. The Council would identify problems that may warrant action through the annual report or a separate report from the Plan Team, SSC, permit holders, enforcement officials, NMFS, or other sources.
2. At a Council meeting following completion or receipt of a report identifying a problem, the Council would discuss whether changes to established conservation and management measures would resolve the problem. Notice to the public and news media preceding the meeting would indicate that the Council intends to discuss and possibly recommend regulatory adjustments through the framework process for established measures to address the issue or problem. The notice must summarize the issue(s) and the basis for recommending the measures being reviewed and would refer interested parties to the document(s) pertaining to the issue.
3. Based on discussions at the meeting, which include participation by the Plan Team, SSC, or other Council organizations, the Council would decide whether to recommend action by the

## **Regional Administrator.**

4. **The Regional Administrator would be asked to indicate any special concerns or objections to the possible actions being considered under the framework process and, if there are any concerns or objections, would be asked for ways to resolve them.**
5. **If the Council decides to proceed, a document would be prepared describing the problem and the proposed regulatory adjustment to resolve it. The document would demonstrate how the adjustment is consistent with the purposes of the established measure and that the impacts had been addressed in the document supporting the original imposition of the measure. The document would be submitted to the Regional Administrator with a recommendation for action. The Council may indicate its intent that the recommendations are to be approved or disapproved as a single action.**
6. **If the Regional Administrator approves part or all of the Council's recommendation, the Secretary, in accordance with the Administrative Procedure Act, may implement the approved change in an established measure by publishing a final rule, waiving advance notice and comment. This does not preclude the Secretary from deciding to provide additional opportunity for advance notice and comment, but contemplates that the Council process will satisfy the requirements of the Magnuson Act and Administrative Procedure Act regarding prior notice and comment. Established measures are measures that have been evaluated and applied in the past, and adjustments under this framework must be consistent with the original intent of the measure and within the scope of analysis in previous documents supporting the existing measure.**

### **8.1.2 Regulatory Procedure 2: Establishment of New Measures**

**New measures are those that have not been used before in managing the precious corals fishery. New measures may have been previously considered but rejected in a past FMP amendment or document, but the specific impacts on the beds and on permit holders have not been evaluated in the context of current conditions. Potential new measures include, but are not limited to, a limited access system or individual transferable quotas. The procedure for establishing new measures is as follows:**

1. **A Plan Team report (annual or in-season), or input from advisors, NMFS, or other agencies will first bring attention to a problem or issue that needs to be addressed at the next Council meeting. In its notice announcing the meeting, the Council would summarize the concern or issue raised, the party that has raised the problem, and the extent to which it is a new problem or a problem that may require new management measures. The Council would seek to identify all interested persons and organizations and solicit their involvement in discussion and resolution of this problem through the Council process, and the Council meeting notice in the *Federal Register* would emphasize that this problem will be discussed and that proposed actions may result.**
2. **The document presenting the problem to the attention of the Council would be distributed to all advisory bodies of the Council who have not yet received it, with a request for comments. The document also would be distributed to the Council's mailing list associated with the FMP to**



solicit comments and to indicate the Council would take up action at the following meeting. The Council's chairperson may request the Council's Precious Corals Standing Committee to discuss the issue and review the comments, if any, of the Plan Team, Advisory Panel, or SSC, and develop recommendations for Council action.

4. At the meeting, the Council would consider the recommendations of its Precious Corals Standing Committee, if any, and other Council organizations and would take comments from the public concerning the possible course of action. If the Council agrees to proceed with further action under the framework process, the issue would be placed on the agenda for the following meeting. A document describing the issue, alternative ways to resolve the issue, the preferred action, and the anticipated impacts of the preferred action, would be prepared and distributed to the public with a request for comments. A notice would be published in the *Federal Register* summarizing the Council's deliberations and preferred action and indicating the time and place for the Council meeting to take final action.

5. In its notice for the following meeting, the Council would indicate that it may take final action on the possible adjustment to regulations under this section. At the meeting, the Council would consider the comments received as a result of its solicitation of comments and take public comments during the meeting on the issue or problem. The Council would consider any new information presented or collected and analyzed during the comment period. The Regional Administrator would be asked to indicate any objections or concerns about any or all components of the measures being considered. The Council would then decide whether to recommend the establishment of new management measures.

6. If the Council decides to proceed, it would submit its proposal to the Regional Administrator for consideration, with supporting rationale and an analysis of the estimated biological, economic, and social impacts of the proposed action. The Council may indicate its intent that all components of its recommendations be approved or disapproved as a single action.

7. If the Regional Administrator concurs in whole or in part, the Secretary, in accordance with the Administrative Procedure Act, may implement the approved new measures by publishing a final rule, waiving advance notice and comment. Nothing in this procedure is intended to preclude the Secretary from deciding to provide additional opportunity for advance notice and comment in the *Federal Register*, but contemplates that the Council process (which includes two Council meetings with opportunity for public comment at each) would satisfy that requirement.

8. If a new action is approved and implemented, future adjustments may be made under the procedure for established measures (see Regulatory Procedure 1, above).

## **9.0 IMPACT ASSESSMENT**

### **9.1 Establish Framework Procedures for Regulatory Changes**

#### **9.1.1 Impact of the Preferred Alternative**

Adoption of the framework processes will not in itself result in any biological, economic or social impacts. Each action taken under the framework processes will entail documentation of the analysis of impacts of that action. To the extent appropriate, the Council will need to prepare regulations, regulatory analyses, environmental assessments, or other documents depending on the scope of the action, which framework process (if any) is being used, and the types and magnitude of impacts involved.

By facilitating the refinement of existing harvest quotas as new data becomes available a framework process would promote domestic involvement without endangering the long-term productivity of the coral beds. In addition, it may be necessary to impose a quota or other regulations on the harvest of black corals, if a fishery for those corals develops. Adoption of a framework process should simplify the adjustment of conservation and management measures, and reduce the costs of those adjustments to the Federal government. Once the process is in place, many future adjustments could be made with a single notice in the *Federal Register* rather than through full FMP amendment procedures. The notice process is faster and entails less cost for *Federal Register* publications.

This alternative recognizes that the FMP has fallen short of its intention to promote a domestic fishery for precious corals. The FMP adopted a precautionary approach because historical evidence indicated the ease with which the resource could be overfished and depleted. Using framework procedures, the Council may be able to better reconcile the objectives of developing a sustainable domestic fishery without going through a formal FMP amendment, which can be slow and costly.

## **9.1.2 Impact of the Rejected Alternative**

### **9.1.2.1 No action**

Among the objectives of the fishery management plan are to encourage the discovery and exploration of new beds. The lack of domestic involvement revolves around the present 1000 kg annual harvest quotas for Exploratory Areas. Potential entrants have indicated that Exploratory Area quotas are too small to provide the economic incentive necessary to encourage domestic participation.

If new scientific data becomes available that would support making an adjustment in the quota for an Exploratory Area, the establishment of a quota level, or other changes in the FMP, could be accomplished by preparing full FMP amendments. However, this alternative would entail relatively slow response times and high administrative costs.

## **9.2 Evaluation of impacts relative to National Standards for Fishery Conservation and Management**

National Standard 1 -- The amendment should tend to increase the net benefits of the fishery to the nation while preventing overfishing of the fishery resources.

**National Standard 2 – Adoption of a framework process would provide for adjustments of certain management measures as more information on the fisheries and the status of the stocks becomes available.**

**National Standard 3 – The amendment may encourage the exploration of new precious coral beds, while providing for timely adjustment of management measures as new beds are discovered.**

**National Standard 4 – The amendment will not discriminate between residents of different states.**

**National Standard 5 – By facilitating the refinement of existing harvest quotas as new data becomes available a framework process could potentially improve the profitability of harvest operations without endangering the long-term productivity of the coral beds.**

**National Standard 6 – The amendment will improve the ability to take into account and allow for variations among, and contingencies in, fisheries, fishery resources and catches.**

**National Standard 7 – Adoption of a framework process should simplify the adjustment of conservation and management measures, and reduce the costs of those adjustments to the Federal government.**

**National Standard 8 – A framework process could potentially improve the economic viability of harvest operations.**

**National Standard 9 – Current precious coral harvesting technology (utilizing manned or unmanned submersibles) is highly selective and minimizes bycatch.**

**National Standard 10 – The amendment will have a neutral effect on safety at sea.**

## **10.0 RELATIONSHIP OF AMENDMENT 3 TO OTHER APPLICABLE LAWS AND POLICIES**

### **10.1 Coastal Zone Management Act (CZMA)**

The CZMA requires a determination that a FMP or amendment has no effect on the land or water uses or natural resources of the coast zone, or is consistent to the maximum extent practicable with an affected State's approved coastal zone management program. A copy of the proposed amendment will be submitted to the Office of State Planning, State of Hawaii for review and concurrence with a determination made by the Council that the amendment is consistent, to the maximum extent practicable, with their coastal zone management programs.

### **10.2 Endangered Species Act (ESA)**

The Council has concluded that Amendment 3 is not likely to have any effect on any listed

endangered or threatened species, or habitat of those species.

### **10.3 Marine Mammal Protection Act (MMPA)**

All fisheries, including the precious coral fishery, in the Western Pacific region are designated as Category 3, meaning that fishermen must report interactions with marine mammals, but they are not required to obtain exemption certificates in order to fish. This amendment does not require redesignation of MMPA category for the western Pacific precious coral fishery.

### **10.4 Paperwork Reduction Act (PRA)**

The PRA requires federal agencies to minimize paperwork and reporting burdens whenever collecting information from the public. No additional record-keeping and reporting requirements are necessary to implement Amendment 3.

### **10.5 Regulatory Flexibility Act (RFA)**

The RFA establishes the principle that federal regulations should be tailored to the capacity of regulated entities to bear the regulatory burden. This amendment will not have a significant economic impact on a substantial number of fishermen. Also, the actions proposed by this amendment do not, at this time, require the issuance of new rules, review of existing rules, or development of legislative proposals concerning regulations. A regulatory impact review and flexibility analysis will be performed when a regulatory review becomes necessary.

### **10.6 Indigenous Peoples' Fishing Rights**

No management measures in this amendment will adversely affect any native Carolinian, Chamorro, Hawaiian or Samoan traditional indigenous fishing practices.

Section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act provides for the establishment of a Western Pacific Community Development Program. This provision was added to the Magnuson Act in 1996 to allow communities consisting of descendants of indigenous peoples in the Council's area to better share in the benefits from the area's fisheries. The Council and the Secretary, respectively, have discretion to develop and to approve programs for eligible communities for the purpose of enhancing access to the fisheries under the authority of the Council. The range of acceptable content of these programs will be determined by the Council and the Secretary working together through the FMP process. Measures to improve access to the precious corals fishery may include setting aside a percentage of specific quotas and area closures. Joint venture agreements for the harvesting and processing of precious corals may also be employed.

### **10.7 Vessel Safety Considerations**

The US Coast Guard has been asked to review this amendment from the standpoint of vessel safety. No vessel safety issues were identified.

## **10.8 Environmental Assessment (and Finding Of No Significant Environmental Impact)**

This section has been prepared in accordance with the requirements of the NEPA (see Section 10.5) to assess the potential for environmental impacts (including the human environment) that may result from Amendment 3 to the Precious Corals Fisheries FMP. The actions described in Sections 8.0 and 9.0 pose no unavoidable, adverse impacts on protected species, wetlands, or the marine environment. The preferred actions of this FMP amendment would establish framework procedures for regulatory changes.

The following addresses the ten points to be considered in determining whether or not impacts of the preferred actions, including alternatives, are significant (Section 1508.27 of the CEQ Regulations):

1. **Beneficial and Adverse Impacts.** There would be beneficial (preferred actions) and potential adverse impacts (*status quo* alternative) from actions considered in this document. These impacts are described in Section 9.0.
2. **Public Health or Safety.** No impact on public health or safety is expected from the actions.
3. **Unique Characteristics.** None of the actions would be expected to have any significant adverse impact on unique characteristics of the Western Pacific region such as historic or cultural resources, park lands, wetlands, or ecologically critical areas.
4. **Controversial Effects.** No significant controversial issues for the public are expected.
5. **Uncertainty or Unique/Unknown Risks.** The preferred actions are not expected to have any significant effects on the human environment that are highly uncertain or involve unique or unknown risks.
6. **Precedent/Principle Setting.** The preferred actions are not expected to have any significant effects in establishing a precedent and do not represent a decision in principle about future precious corals management.
7. **Relationship/Cumulative Impact.** The preferred actions are not expected to have any significant cumulative impacts that could have a substantial adverse effect on the precious coral resources or any related resource. The cumulative impacts are expected to be beneficial.
8. **Historical/Cultural Impacts.** No significant effects from any actions considered in this amendment would be expected on historical sites listed in the National Register of Historic Places and will not result in any significant impacts on scientific, cultural, or historic resources.
9. **Endangered/Threatened Impacts.** The actions are not likely to have any impact on any listed endangered or threatened species, or the habitat of those species.

**10. Interaction with Existing Laws for Habitat Protection.** No interaction which might threaten a violation of Federal, state, or local law or requirements imposed for the protection of the environment are expected from any of the action considered in this FMP amendment.

**Finding of No Significant Impact:** Based on the information contained in this combined Amendment 3 and EA, it is concluded that the preferred actions and alternative actions will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement is not required.

In response to the Sustainable Fisheries Act, the Council intends to prepare a comprehensive amendment for all of its FMP's, including the Precious Corals FMP, to implement SFA provisions to identify and minimize adverse effects on essential fish habitat. As part of this initiative, which must comply with NEPA requirements, an EA will be prepared for the Precious Corals FMP. The date for submitting that FMP amendment is October 1998.

## 11.0 APPENDICES

### 11.1 Draft Proposed Regulations

#### PART 660 – Fisheries off West Coast and Western Pacific States

##### 1. The authority citation for part 660 continues to read as follows:

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

##### 2. A new §660.89 is added to Subpart F to read as follows:

###### §660.89 Framework procedures.

(a) Introduction. New management measures may be added through rulemaking if new information demonstrates that there are biological, social, or economic concerns in precious coral permit area. The following framework process authorizes the implementation of measures that may affect the operation of the fisheries, gear, quotas, season, or changes in catch and/or effort.

(b) Annual report. By June 30 of each year, the Council-appointed Precious Coral Team will prepare an annual report on the fisheries in the management area. The report shall contain among other things, recommendations for Council action and an assessment of the urgency and effects of such action(s).

###### (c) Procedure for established measures.

(1) Established measures are management measures that, at some time, have been included in regulations implementing the FMP, and for which the impacts have been evaluated in Council/NMFS documents in the context of current conditions.

(2) Following the framework procedures of Amendment 3 to the FMP, the Council may recommend to the Regional Administrator that established measures be modified, removed, or re-instituted. Such recommendation shall include supporting rationale and analysis, and shall be made after advance public notice, public discussion, and consideration of public comment. NMFS may implement the Council's recommendation by rulemaking if approved by the Regional Administrator.

###### (d) Procedure for new measures.

(1) New measures that have not been included in regulations implementing the FMP, or for which the impacts have not been evaluated in Council/NMFS documents in the context of current conditions.

(2) Following the framework procedures of Amendment 3 to the FMP, the Council will publicize, including by a Federal Register document, and solicit public comment on, any proposed new management measure. After a Council meeting at which the measure is discussed, the Council will consider recommendations and prepare a

**Federal Register document summarizing the Council's deliberations, rationale, and analysis for the preferred action, and the time and place for any subsequent Council meeting(s) to consider the new measure. At subsequent public meeting(s), the Council will consider public comments and other information received to make a recommendation to the Regional Administrator about any new measure. NMFS may implement the Council's recommendation by rulemaking if approved by the Regional Administrator.**