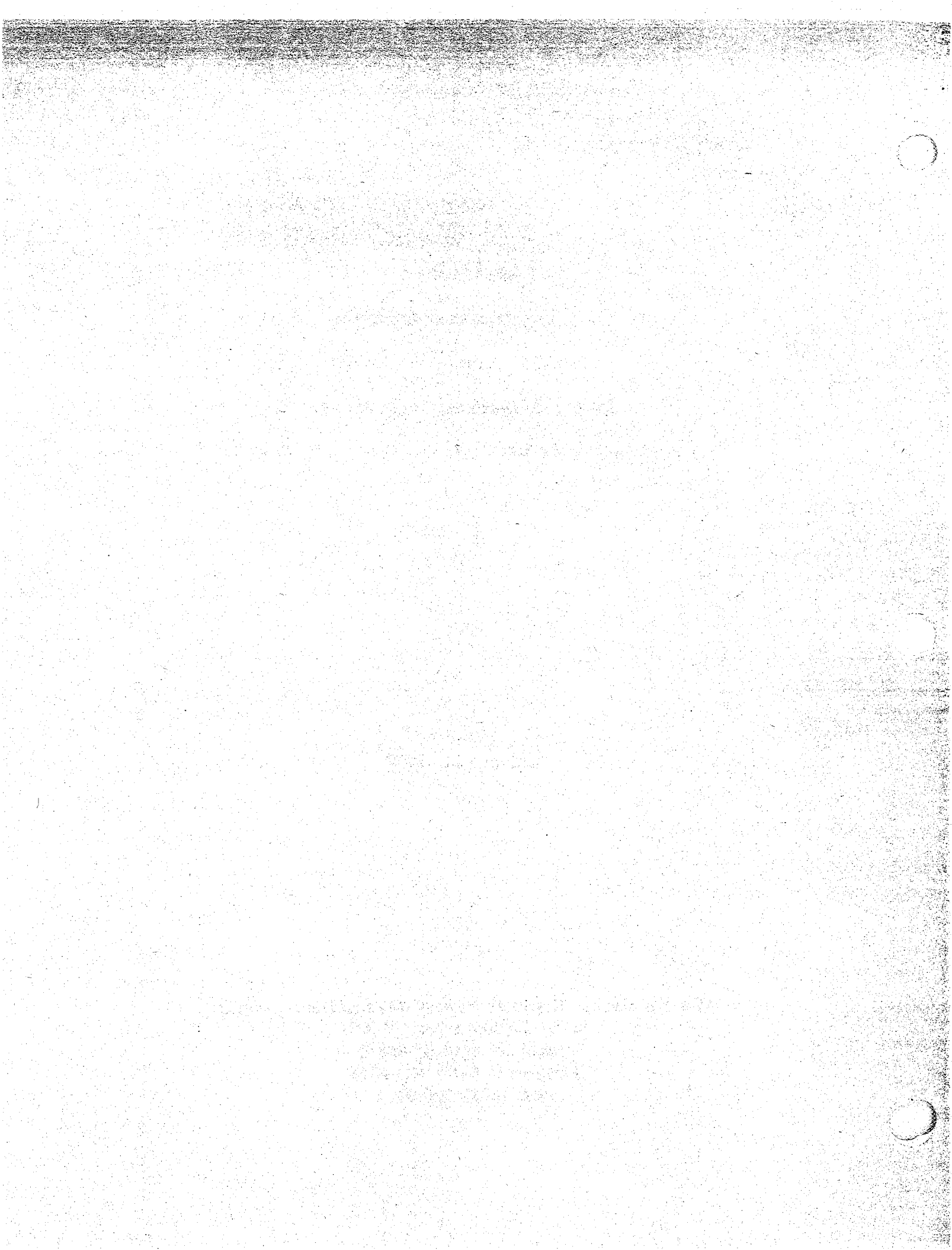


Amendment 6
and Environmental Assessment

Fishery Management Plan for the
Crustaceans Fisheries of the Western Pacific Region

October 11, 1990

Western Pacific Regional Fishery Management Council
1164 Bishop Street #1405
Honolulu, Hawaii 96813
Telephone: (808) 523-1368
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(crusame6/bh)

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1.0 PREFACE

1.1 Responsible Agencies

The Western Pacific Regional Fishery Management Council (WPRFMC or Council) was established by the Magnuson Fishery Conservation and Management Act (MFCMA) to develop Fishery Management Plans (FMPs) for fisheries in the US Exclusive Economic Zone (EEZ) around American Samoa, Hawaii (including the Northwestern Hawaiian Islands), Guam, the Northern Mariana Islands, and other United States possessions in the Pacific¹. Once an FMP is approved by the Secretary of Commerce, it is implemented by federal regulations which, in turn, are enforced by the National Marine Fisheries Service (NMFS) and the US Coast Guard, along with state and territorial agencies.

For further information, contact:

Ms. Kitty Simonds
Executive Director
WPRFMC
1164 Bishop St. #1405
Honolulu, HI 96813
Telephone: (808) 523-1368
Fax: (808) 526-0824

Mr. Alvin Katekaru
Resource Management Specialist
NMFS Pacific Area Office
2570 Dole St.
Honolulu, HI 96822
Telephone: (808) 955-8831
Fax: (808) 949-7400

1.2 Public Review and Comment

The Council elicits the help of commercial and recreational fishing interests, as well as other parties interested in the various fisheries. This ensures that those who might be affected by new management measures have an opportunity to submit ideas and suggestions for potential actions by the Council. Therefore, those affected by the FMPs are involved in the decision-making process.

The action proposed by this amendment was developed by the Crustaceans Plan Team, and was reviewed by the Scientific and Statistical Committee and the industry Advisory Panel. A draft of this amendment was distributed for comments to fishermen and other interested parties in August 1990. The final document is responsive to comments received, and the Council considered these comments at its September 1990 public meeting. The comments were

¹ *Howland and Baker Islands, Jarvis Island, Johnston Atoll, Kingman Reef and Palmyra Island, and Wake Island.*

incorporated into the draft amendment, which will be submitted to the Secretary of Commerce and released for public review.

1.3 Relationship to Applicable Laws and Policies

This sixth amendment to the FMP for the crustaceans fisheries complies with the Secretary of Commerce's revised guidelines for the national standards of the MFCMA. Information and analysis in support of the proposed action are presented in a manner intended to satisfy MFCMA requirements, as well as the requirements of other applicable laws and policies. The FMP for the crustaceans fisheries satisfies the information and procedural requirements of the National Environmental Policy Act, the Regulatory Flexibility Act, Executive Order 12291, and other laws and directives. The FMP also served as an Environmental Impact Statement (EIS). Similarly, this amendment is intended to serve as an Environmental Assessment. The amendment assesses the economic and administrative/enforcement impacts of the proposed action, and will satisfy the requirement for a Regulatory Impact Review. This document contains all the information necessary under the several statutes and directives applicable to the planning process. A copy of the original FMP, its amendments, and companion regulations may be obtained from the Council. In addition, this amendment provides information regarding habitat and vessel safety concerns as required by the 1986 changes to the MFCMA.

1.4 List of Preparers

Amendment 6 was prepared by the WPRFMC Crustaceans Plan Team:

Dr. Terry Donaldson, Fishery Biologist
Northern Mariana Islands Division of Fish and Wildlife

Mr. Walter Ikehara, Aquatic Biologist
Hawaii Division of Aquatic Resources

Dr. Craig MacDonald, Ocean Resources Branch Chief
Hawaii Department of Business, Economic Development and Tourism

Dr. Jeffrey Polovina, Fisheries Biologist
NMFS Honolulu Laboratory

Ms. Bonnie Ponwith, Fisheries Biologist
American Samoa Department of Marine and Wildlife Resources

Dr. Samuel Pooley, Industry Economist
NMFS Honolulu Laboratory

and:

Mr. Robert Harman, Staff Biologist
Western Pacific Regional Fishery Management Council

Mr. Alvin Katekaru, Resource Management Specialist
NMFS Southwest Region Pacific Area Office

2.0 BACKGROUND

The FMP for the Crustacean Fisheries of the Western Pacific Region (WPRFMC 1983, as amended) covers the geographical region encompassing the US EEZ around American Samoa, Guam and Hawaii. Although small subsistence and commercial fisheries for lobster, crab and shrimp exist throughout the region, the only portion of this jurisdiction where a large commercial fishery operates is the area surrounding the Northwestern Hawaiian Islands (NWHI), which supports a fishery for spiny and slipper lobsters. The Council's management decisions regarding crustaceans, therefore, have focused on this fishery.

2.1 Species and Habitat

Two species of spiny lobster inhabit the waters of the NWHI, the Hawaiian spiny lobster, Panulirus marginatus, and the green spiny lobster, Panulirus penicilatus. Hawaiian spiny lobsters inhabit depths from 1-100 fm and comprise over 99% of the commercial spiny lobster catch in the NWHI fishery. Green spiny lobsters live in depths of 1-5 fm and are rarely caught by commercial fishermen. In addition to the two spiny lobsters, three species of slipper lobster also live in NWHI waters: the common slipper lobster, Scyllarides squammosus, the ridgeback slipper lobster, Scyllarides haanii, and the Chinese slipper lobster, Parribacus antarcticus. Historically, the common slipper lobster accounted for about 91-95% of the commercial slipper lobster catch, and the ridgeback slipper lobster makes up most of the remaining 5-9%, but the ridgeback is gaining importance. The Chinese slipper lobster is rarely caught.

2.2 Description of Fishery

The lobster fishery operating in the NWHI is based in Honolulu, and consists of about a dozen active trapping vessels and employs about 100 people. Total landings in 1989 reached 668 t (wet weight) in around 1.1 million trap-hauls. The estimated ex-vessel revenues climbed to \$6.3 million in 1989. Detailed catch, effort and marketing information is given in the annual report on

the 1989 fishery (Landgraf 1990). NWHI landings for the first eight months of were about 513,000 lb of legal lobsters (all species). American Samoa and Guam have small, nearshore fisheries producing only a few thousand pounds each year.

2.3 Condition of Stocks

Research by the NMFS Honolulu Laboratory, based on both field sampling and logbook data provided by fishermen, indicates that NWHI spiny lobster stocks are stressed. Although juvenile lobsters were abundant in 1989, catch rate and size data from a summer 1990 research sampling cruise indicate that the spawning stock biomass for spiny lobsters at Necker Island and Maro Reef (two of the three predominant banks) are estimated to be 27% and 17%, respectively, of their 1977 (pre-exploitation) levels. A time-series of size and catch rate data from both research and commercial vessels indicates that the spiny lobster stocks at Necker and Maro were greatly reduced in 1989. At Necker Island, this reduction was in the number of legal size lobster and is primarily due to heavy fishing effort, while at Maro Reef this reduction occurred in the number of recruits to the fishery and is attributed to year class failures due to environmental causes. In 1990, recruitment to the fishery appears good at Necker Island and poor at Maro Reef. The NMFS has advised the Council that a reduction in fishing effort is probably necessary to allow the current low levels of spawning stock biomass to recover, and to avoid the possibility of low future recruitment to the fishery.

2.4 Vessel Safety Considerations

Vessel safety is not affected in this fishery because none of the actions proposed in the FMP or in this amendment imposes any restrictions on vessel operations. Nonetheless, this amendment will be reviewed by the US Coast Guard for evaluation regarding vessel safety.

3.0 EXISTING MANAGEMENT MEASURES

The Crustaceans FMP regulates fishing for spiny and slipper lobster in waters of the NWHI (50 CFR 681 Subpart B). The FMP also regulates fishing in the EEZ of the main Hawaiian Islands (50 CFR 681 Subpart C), even though most lobster fishing in the main Hawaiian Islands occurs in state, not federal, waters. There are currently no regulations for EEZ waters around American Samoa and Guam because no substantial lobster fisheries exist there. Regulations for these latter two areas would be developed at the first indications of any significant fishery. The regulations for each stock are based on the principles of Optimum Yield (OY), i.e., management based on Maximum

Sustainable Yield (MSY) as modified by relevant ecological and socio-economic considerations. The regulations include the following measures:

- a) To prevent overfishing (protect reproductive potential), minimum size limits (measured as tail width) are: spiny lobsters--5.0 cm, and slipper lobsters--5.6 cm. Minimum sizes for slipper and spiny lobsters were determined so that the spawning stock biomass per recruit (SSBR), when fishing mortality was equal to natural mortality, would be 50% of the SSBR in the absence of fishing.
- b) Commercial fishing gear is restricted to traps. To protect marine mammals, especially the Hawaiian monk seal, the trap entrance must not exceed 6.5 inches in diameter.
- c) As further protection to recruitment, egg-bearing lobsters cannot be retained.
- d) To facilitate the escape of sublegal lobsters, every trap must have two escape panels, each comprised of four circular, 67-mm diameter holes.
- e) To provide relevant and timely fishery information for management purposes, fishermen are required to have a federal lobster fishing permit and to submit catch reports after each trip.
- f) As a final measure to protect lobster stocks and marine mammals, no commercial fishing is allowed (1) in waters shallower than 10 fm, (2) within lagoon waters of the NWHI, nor (3) within 20 nm of Laysan Island. These refuges amount to about 16% of the total NWHI lobster habitat.

4.0 NEED FOR AMENDMENT 6

The MFCMA does not define overfishing, nor does the Crustaceans FMP. In addition, biological data necessary to determine overfishing are limited, so management decisions might be made without sufficient regard to the long-term health of the resource or industry. To ensure that long-term viability is of basic consideration, the Secretary's revised guidelines (Federal Register: 54 FR 30826 et seq.) stipulate that each FMP specify an objective and measurable definition of overfishing for each stock or stock complex, with an analysis of how the definition was developed and how it relates to biological potential.

5.0 MANAGEMENT OBJECTIVES OF AMENDMENT 6

The management objective of Amendment 6 is to ensure the long-term health of the lobster resources by specifying what portion of the spawning stock biomass must be protected to maintain the productive capacity of the species being managed under the FMP.

6.0 PROPOSED ACTION AND IMPACT

6.1 Proposed Action

The action of Amendment 6 to the Crustaceans FMP is to define recruitment overfishing as:

"Lobster stocks shall be deemed overfished with regard to recruitment when the spawning potential ratio (measured for a specific fishing area) is 0.2 or below."

Overfishing, in the use connected with the threshold concept, is defined for the NWHI lobster fishery to occur when the reproductive capacity of the stock has been reduced to a level that results in a decline in recruitment to the fishery, i.e., "recruitment overfishing". Rather than absolute spawning stock biomass, we use spawning stock biomass per recruit (SSBR); this is the spawning stock biomass produced, on average, by a post-larval recruit. SSBR is computed in a similar manner to yield-per-recruit with the Beverton and Holt (1956) yield equation with estimates for natural mortality, fishing mortality, growth, size at onset of sexual maturity, and asymptotic size. The ratio of $SSBR_{fished}$ to $SSBR_{unfished}$, called the spawning potential ratio (SPR), serves as a measure of the condition of the spawning stock (Goodyear 1989). The SPR is inversely proportional to fishing mortality and ranges from 1.0 to 0.0. SPR measures the relative increase in egg production, as well as larval and juvenile survival, needed to maintain constant recruitment to the fishery as a function of fishing mortality. For example, for a fishing level such that SPR is 0.5, the increased egg production and survival of young lobsters at the fished density must be twice the level in the absence of fishing, if overfishing is to be avoided (Goodyear 1989). All stocks which support sustainable fisheries must exhibit some level of density dependence, and a lower bound for SPR of 0.2 has been suggested (Goodyear 1989).

With the yield equation of Beverton and Holt (1956), SPR can be computed as functions of the following ratios: a) natural mortality to growth (M/K), b) fishing mortality to natural mortality (F/M), c) size at onset of egg production to asymptotic size (C_{∞}), and d) size at fishery recruitment to asymptotic size (C_r).

- a) M/K has been estimated around Necker Island and Maro Reef to be about 4.0. For sensitivity analyses, three M/K values are considered: 3.0, 4.0 and 5.0 (Polovina 1989).
- b) F/M has been estimated at about 1.0 (Polovina 1990), and a range of F/M values was tested in the sensitivity analyses, shown in Table 1.
- c) C_m is estimated at 0.55 for spiny lobster and 0.60 for slipper lobster (Polovina and Moffitt, 1989). For sensitivity analyses, 95% confidence intervals for these estimates result in the following range of C_m levels: 0.50, 0.55 and 0.60 for spiny lobster, and 0.55, 0.60 and 0.65 for slipper lobster.
- d) The legal minimum harvest sizes dictate that C_r equals 0.60 for spiny lobster and 0.64 for slipper lobster.

Table 1. Spawning Potential Ratio (SPR) as a function of the ratios of natural mortality to growth (M/K), fishing mortality to natural mortality (F/M), and size at onset of egg production to asymptotic size (C_m) for spiny and slipper lobsters. The ratio of size at fishery recruitment to asymptotic size (C_r) has a legal minimum value and is, therefore, constant for each species.

<u>Spiny Lobster</u>		F/M			
$C_r = 0.60, C_m = 0.50$	<u>M/K</u>	0.1	0.5	1.0	1.5
	3.0	0.91	0.71	0.59	0.52
	4.0	0.93	0.77	0.66	0.61
	5.0	0.95	0.81	0.73	0.68
	<u>M/K</u>				
$C_r = 0.60, C_m = 0.55$	3.0	0.90	0.66	0.52	0.44
	4.0	0.91	0.70	0.57	0.50
	5.0	0.92	0.74	0.62	0.55
	<u>M/K</u>				
$C_r = 0.60, C_m = 0.60$	3.0	0.88	0.58	0.41	0.31
	4.0	0.88	0.60	0.42	0.32
	5.0	0.89	0.60	0.43	0.33
	<u>M/K</u>				
<u>Slipper Lobster</u>		F/M			
$C_r = 0.64, C_m = 0.55$	<u>M/K</u>	0.1	0.5	1.0	1.5
	3.0	0.92	0.73	0.61	0.55
	4.0	0.94	0.78	0.68	0.63
	5.0	0.95	0.82	0.75	0.70
	<u>M/K</u>				
$C_r = 0.64, C_m = 0.60$	3.0	0.90	0.67	0.52	0.44
	4.0	0.92	0.71	0.57	0.50
	5.0	0.93	0.74	0.62	0.55
	<u>M/K</u>				
$C_r = 0.64, C_m = 0.65$	3.0	0.88	0.57	0.39	0.28
	4.0	0.88	0.57	0.39	0.28
	5.0	0.88	0.57	0.38	0.28
	<u>M/K</u>				

Table 1 shows that, when F/M does not exceed 1.0, the SPR is equal to or greater than 0.38, a level of spawning stock protection that is probably adequate to prevent recruitment overfishing for the NWHI stocks. Spiny lobster stocks exhibit a high degree of density dependence in both the size at onset of egg production and natural mortality to growth (Polovina 1989). The ratio of 0.38 is well above that of 0.20 suggested by Goodyear (1989) as a minimum value in the absence of stock-recruitment information. The level of 0.20 is also the threshold value used for Gulf of Mexico reef fishes (Gulf of Mexico Regional Fishery Management Council 1989). For the New Zealand spiny lobster, Jasus edwardsii, fishery the average value for SPR is estimated at 0.28 and the stocks do not appear to be declining (Annala and Breen 1989). The Australian rock lobster fishery also appears to be avoiding recruitment overfishing, even though the SPR for that resource is probably well below 0.38 since F/M is estimated at 5.0 and the size of onset of sexual maturity is the size at recruitment to the fishery (Bowen and Hancock 1989).

In Table 1, a range of F/M up to 1.5 is considered but, based on economic analyses, F/M of 1.0 is taken as the likely maximum level for an open-access equilibrium situation. The NWHI lobster stocks are located in a remote part of the Hawaiian Archipelago ranging from 400 to 1000 nm from Honolulu, where most of the fleet is based, so the economics of this fishery contain substantial capital and travel costs. (This region of the archipelago is uninhabited, so the commercial fishery is the only pressure on the stocks by humans.) A bioeconomic model estimates that, under open-access equilibrium (OAE), the maximum fishing effort is 1.35 million trap-hauls (see below, and Clarke et al. 1990). Based on estimates of catchability of 0.6×10^{-6} and natural mortality (M) of 0.9, this estimate of maximum equilibrium fishing effort is equivalent to a fishing mortality (F) of 0.81 and a ratio of F/M of 0.9 (Table 3 in Polovina 1990). This estimate of F/M assumes that the ratio of lobster prices to operating costs remain at current levels. As an upper bound for F/M, suppose lobster prices increased by 25% relative to operating costs. Then the maximum effort under OAE would be 1.58 million trap-hauls and a catch rate of 0.94 lobsters per trap-haul (see Clarke et al. 1990). This corresponds to F/M of 1.05.

In 1986, over 1.3 million trap-hauls were expended in the fishery. Clarke (1989) estimated that at this level of effort, net revenue for the fleet was actually negative. In the following year catch rates were depressed, and fishing effort declined (805,000 trap-hauls). In 1988, with a similar level of effort (845,000 trap-hauls) and restored catch rates, the fishery was profitable. The fishery was profitable again in 1989, but at a lower level (Landgraf 1990). Whether or not this level of fishing effort can be sustained, based on economic constraints, is being actively discussed at the time of this report.

The results of this bioeconomic model (Clarke et al. 1990) are presented in Table 2. The "baseline" condition considered assumes (1) an "optimal" configuration of the fleet and (2) lobster prices and input costs that are stable at recent levels. The fleet is never "optimal", however, so this result is conservative from a threshold point of view. The actual OAE may be reached at a lower number of trap-hauls. For example, 1989 calculations showed that OAE was only 1.1 million trap-hauls at an estimated CPUE of 0.94 lobsters per trap-haul (Landgraf 1990). This provides a wider margin for the "threshold". Price to cost ratios, however, might change independently of fishing operations.

The basic bio-economics suggest what seems reasonable as well: the costs required to undertake this fishery under the current conditions preclude sustained effort above OAE. Mothership operations have also proven to be impractical because the harvest does not offset the cost of a transfer vessel. Perhaps a multi-fishery perspective (e.g., vessels transferring from the tuna longline fishery) might increase effort above OAE, and this would have to be analyzed. The effect would probably be to increase lobster-fishing effort during the spring and summer and reduced effort in the fall and winter; such a scenario occurred to some degree in 1989. If NWHI lobster vessels can cover part of their fixed costs in other fisheries, their cost per trap-haul is reduced. On the other hand, the concentration of effort into a shorter "season" may also diminish catch rates.

Table 2. Catch (Y, numbers of lobsters), effort (E, trap-hauls per year), catch per unit effort (CPUE, lobsters per trap-haul), and price : cost ratio (sales price per lobster / vessel cost per trap-haul) for open-access equilibrium levels of fishing effort in the NWHI lobster fishery (based on Clarke et al., 1990, and revised to include 1989 catch and effort data).

	Baseline	Price x 1.25	1989 Conditions
Y	992,243	926,345	1,035,587
E	1,354,729	1,580,962	1,102,727
CPUE	0.73	0.59	0.94
Price : Cost	1.37	1.71	1.06

Baseline is the bioeconomic model from Clarke et al. (1990) updated to include 1989 catch and effort data, price at \$4.055 per lobster and cost at \$2.97 per trap-haul.

Price x 1.25 is the model with lobster price at \$5.06 per lobster and cost at baseline levels (\$2.97 per trap-haul).

1989 Conditions is the model with lobster price at \$5.42 per lobster and cost at \$5.09 per trap-haul.

Higher Price to Cost Ratios indicate improved profitability conditions. Lower price to cost ratios indicate conditions of diminished profitability.

Note: Open-access equilibrium marks the bioeconomic condition at which industry-wide profitability is zero, i.e., all resource rents are absorbed by the over-capacity of the fleet. In the equilibrium condition, there is no economic incentive to increase fishing effort. Attempts to increase fishing effort can be expected to be met by either 1) failure, or 2) other vessels reducing their effort (e.g., leaving the fishery). Effort levels above OAE are not sustainable in the long run.

In the NWHI, both the Hawaiian spiny lobster and common slipper lobster are caught in the same traps. Analyzing fishing effort on a species-specific basis is impossible, so we cannot estimate species-specific spawning stock biomass and, in turn, cannot regulate effort for each species independently. Our approach to protecting against overfishing, therefore, preserves a multi-species spawning stock biomass.

6.2 Impacts of Proposed Action

The overfishing definition would provide an objective and measurable definition of recruitment overfishing for the Western Pacific Region's lobster stocks in areas where enough data exist (i.e., the Northwestern Hawaiian Islands). There would be no impact on other areas or species (e.g. shrimp) until those fisheries became sufficiently developed to apply an overfishing definition.

6.3 Location of Proposed Action

The proposed action applies to all areas of the EEZ under jurisdiction of the Council (except the CNMI), i.e., American Samoa, Guam, Hawaii (including the Northwestern Hawaiian Islands), and other US possessions in the Pacific.

6.4 Monitoring of Proposed Action and Possible Council Responses

The NMFS Honolulu Laboratory monitors the fishery closely, producing quarterly and annual reports. In addition, the NMFS reports annually on the status of stocks and periodically provides information on research results, including economic, that pertain to lobster. The Council has requested that the NMFS enhance the annual report process to explicitly discuss the status of stocks relative to overfishing, both for the NWHI as a whole and for localized areas.

If the status indicates that stocks have declined to a range between the recruitment overfishing threshold ($SPR = 0.2$) and Optimum Yield ($SPR = 0.5$), associated with the minimum size limits, the report would:

- a) discuss the risk to stocks if no management actions are taken,
- b) recommend management measures that the Plan Team concludes are necessary to ensure that recruitment overfishing is not achieved,
- c) present an analysis of the impacts that the recommended management changes would generate.

Management actions that might be recommended include additional area closures, seasonal closures, larger minimum sizes, catch quotas and access and effort limitations. The Council would review the Plan Team recommendations contained in the report and advise the NMFS Regional Director whether or not any regulatory actions are needed to protect the stocks.

7.0 REJECTED ALTERNATIVES

7.1 List of Rejected Alternatives and Reason for Rejection

A. No action.

This alternative does not meet the needs of the Secretary's revised guidelines.

B. Define overfishing as a non-numerical threshold, e.g., minimum sizes for harvesting and/or other restrictions on the harvest and retention of lobsters in the fishery.

This alternative was rejected because it may not be measurable. Its relationship to spawning stock biomass is also unclear and could be subject to challenge.

8.0 RELATIONSHIP OF AMENDMENT 6 TO OTHER APPLICABLE LAWS AND POLICIES

8.1 Coastal Zone Consistency

Section 307(c)(1) of the federal Coastal Zone Management Act (CZMA) requires that all federal activities which directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. The State of Hawaii CZM policies directly relating to the action proposed in this amendment are contained in the coastal ecosystems and economic use resources categories of the Hawaii CZM statute (Act 188, Chapter 205A, HRS). Those policies are to: 1) improve the technical basis for natural resource management, 2) preserve valuable coastal (offshore) ecosystems of significant biological importance, and 3) minimize adverse environmental effects from economic uses of coastal zone resources. The action of this amendment is fully consistent with these objectives. The Council has also reviewed the Coastal Zone Management Programs of American Samoa and Guam, and found the action of this amendment to be consistent with policies set forth on fisheries and living marine resources. The Council has requested reviews of this amendment from agencies responsible for CZM policy within each state and territory government.

8.2 Marine Mammal Protection Act and Endangered Species Act

The management measures of the FMP document were judged not to have any significant impact on marine mammals or endangered species. Those conclusions were based on the characteristics of lobster habitat and the fishing techniques used to harvest lobster. The NMFS rendered a biological opinion that confirmed that conclusion. The action proposed in this amendment is passive with regard to habitat and fishing practices. The measures of Amendment 6 will not impose any new or increased risks to marine mammals or endangered species.

8.3 National Environmental Policy Act - Environmental Assessment

A. Purpose and Need for Action

This Environmental Assessment has been prepared in accordance with the requirements of the National Environmental Policy Act to assess the potential for environmental impacts (including the human environment) that may result from Amendment 6 to the Crustaceans FMP. The proposed action is consistent with the goals and objectives of the FMP, National Standards of the MFCMA, and revised guidelines for the national standards (50 CFR Part 602). The proposed action is deemed to be the preferred alternative.

B. Analysis of Impacts of the Preferred Alternative

- 1) The preferred alternative is expected to help prevent recruitment overfishing of the crustacean resources and, thus, help to ensure the long-term maintenance of the spawning stock.
- 2) The preferred alternative provides a safeguard against the potential for significant and irreversible damage to the ocean and coastal habitats. All fishing operations are subjected to stringent terms and conditions including, but not limited to, gear and area restrictions, reporting requirements, etc. The lobster habitat is afforded full continued protection under the preferred alternative.
- 3) The preferred alternative is not expected to have any adverse impact upon public health or safety. The market for Hawaiian spiny and slipper lobsters has established high

quality standards. The preferred alternative will be another method of preserving these standards.

- 4) The preferred alternative will not impact protected (endangered or threatened) species or marine mammals. Protected species are already afforded protection by gear requirements and closed areas.
- 5) Cumulative effects of the preferred alternative are expected to be beneficial to the lobster stocks and fishery. The periodic assessment of the lobster stocks by the NMFS provides timely information on the magnitude and dynamics of the fishery. This enables the Council and NMFS to effectively manage the lobster resources.
- 6) The preferred alternative is not expected to generate controversy or have adverse socio-economic effects. We acknowledge, however, that there are uncertainties regarding the present condition of the lobster stocks, as well as the methods used to analyze them, so the validity of the definitions may be challenged. Nonetheless, the Council intends to exercise the best informed judgement in applying this definition and preventing any lobster stocks from closely approaching or reaching an overfished state.
- 7) The preferred alternative will not have any effect upon flood plains and wetlands, or trails and rivers listed, or eligible for listing, on the National Trails and Nationwide Inventory of Rivers.

C. Agencies and Persons Consulted

The Coastal Zone Management offices and Natural Resources offices of American Samoa, Guam, Hawaii and the Northern Mariana Islands were sent this draft amendment for review, as were the US Coast Guard and Fish and Wildlife Service, and commercial lobster fishermen, both federally-permitted and otherwise.

D. Finding of No Significant Impact

Based on the information contained in the environmental assessment, it is concluded that the action proposed by the FMP amendment will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement is not required.

8.4 Executive Order 12291 and Regulatory Flexibility Act

The action proposed by this amendment does 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 regulatory review and/or amendment become necessary.

8.5 Paperwork Reduction Act

No additional rule for establishing record-keeping and reporting requirements, for the purpose of collecting information from the public, are proposed under Amendment 6.

8.6 Indigenous Peoples' Fishing Rights

There is no formal agreement between the US government and the indigenous people (i.e., native Chamorros, Hawaiians and Samoans) of the region that allocate preferential fishing rights to native people. The necessity and legal possibility of granting such rights, however, are being investigated. If indigenous people are awarded special considerations, then the Crustaceans FMP might require revision. At present, Amendment 6 does not appear to affect any native Chamorro, Hawaiian or Samoan cultural or religious practices.

9.0 LITERATURE CITED

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value, we preliminarily determine that a margin of 6.97 percent exists for Benkan for the period of review.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter.

Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above for Benkan. The Department will issue appraisal instructions directly to the Customs Service.

Further, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margin shall be required. For any future entries of this merchandise from a new exporter, not covered in this administrative review, whose first shipments occurred after February 28, 1990, and who is unrelated to the reviewed firm, a cash deposit of 6.97 percent will be required.

These deposit requirements are effective for all shipments of stainless steel butt-weld pipe and tube fittings from Japan, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Commerce Department's regulations.

Dated: January 18, 1991.

Eric I. Garfinkel,
Assistant Secretary for Import
Administration.

[FR Doc. 91-1949 Filed 1-25-91; 8:45 am]

BILLING CODE 3510-05-M

President's Export Council; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of a closed meeting.

SUMMARY: The President's Export Council is holding a meeting to discuss how it should organize based on issues of current importance in international trade. Briefings and discussions will cover trade performance and promotion, foreign market conditions, trade negotiating strategies, and relations with our trading partners, including the Soviet Union, Eastern Europe, Pacific Rim countries and Mexico, as well as other sensitive matters properly classified under Executive Order 12356. The President's Export Council was established on December 20, 1973, and reconstituted May 4, 1979, to advise the President on matters relating to U.S. export trade.

A Notice of Determination to close meetings or portions of meetings of the Council to the public on the basis of 5 U.S.C. 552b (c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce (202) 377-4217.

DATES: February 5, 1991, from 9:30 a.m.—2 p.m.

ADDRESSES: Main Commerce Building, room 5843, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mrs. Wendy H. Smith, Director, President's Export Council, room 3215, Washington, DC 20230.

Dated: January 21, 1991.

Wendy H. Smith,

Staff Director, and Executive Secretary,
President's Export Council.

[FR Doc. 91-1887 Filed 1-25-91; 8:45 am]

BILLING CODE 3510-08-M

National Oceanic and Atmospheric Administration

Intent To Evaluate; Coastal Resource Management Programs

AGENCY: National Oceanic and Atmospheric Administration, Commerce, National Ocean Service, Office of Ocean and Coastal Resource Management.

ACTION: Corrected notice of intent to evaluate.

Notice is hereby given that the National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management will not evaluate the Virgin Islands Coastal Management Program during the second quarter of fiscal year 1991, as previously published in the Federal Register on December 19, 1990, Doc. 90 29682.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: January 18, 1991.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

Western Pacific Crustacean Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of approval of Amendment 6 to the fishery management plan for crustacean fisheries of the western Pacific region.

SUMMARY: NOAA issues this notice that Amendment 6 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP) has been approved. Amendment 6, which defines overfishing in compliance with national standards 1 and 2 of the Magnuson Fishery Conservation and Management Act (Magnuson Act), was submitted by the Western Pacific Fishery Management Council (Council) for Secretarial review on October 16, 1990. No rulemaking is involved with this action.

EFFECTIVE DATE: January 22, 1991.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, NMFS, Southwest Region, (213) 514-6660, or Alvin Katekaru, NMFS, Pacific Area Office, Honolulu, Hawaii, (808) 955-8831.

SUPPLEMENTARY INFORMATION: A notice of availability of Amendment 6 was published in the Federal Register on November 2, 1990 (55 FR 46236), and comments were invited until December 20, 1990.

The guidelines to the national standards (50 CFR part 602) attendant to the Magnuson Act were revised in 1989 (54 FR 30711 *et seq.*) to require the Councils to amend their fishery management plans to include definitions of overfishing for their respective fisheries. The definition is intended to provide an objective and measurable standard for determining whether any species or stock under management has been overfished such that corrective

action must be taken to control fishing mortality.

For the crustacean fisheries in the western Pacific, the Council defined overfishing of crustacean stocks of slipper and spiny lobster as the point where the spawning potential ratio (SPR) of each stock equals 0.2 or below. The SPR is a measure of the relative reproductive potential of the stock and is calculated as the ratio of the spawning stock biomass per recruit (SSBR) of a fished population to the SSBR of the unfished population. Thus, spiny lobster or slipper lobster would be overfished if the respective SPR were equal to or less than 0.2. The analysis in Amendment 6 demonstrates that the size limits and other measures governing the fishery were selected to ensure that the SPR will remain well above the 0.2 threshold level.

The FMP includes a requirement for an annual report that summarizes the best scientific information available on the biological condition of crustacean resources. The report will contain an overview of the status of crustacean stocks relative to the overfishing threshold and any significant trends in the fishery that may increase the risk of overfishing. It is the Council's intent to manage the fishery to prevent reaching overfished condition.

No comments on the amendment were received.

The definition of overfishing, and the measures to implement the definition, have been determined to meet the approvability criteria of the national standard guidelines.

Classification

The Director, Southwest Region, NMFS, determined that Amendment 6 is necessary for the conservation and management of the precious corals fishery and is consistent with the Magnuson Act and other applicable law.

The Council included an environmental assessment (EA) in Amendment 6. The Assistant Administrator for Fisheries, NOAA, concluded that there will be no significant impact on the human environment resulting from this amendment.

Because this amendment requires no implementing regulations, 5 U.S.C. section 553 of the Administrative Procedure Act, E.O. 12291, and the Regulatory Flexibility Act do not apply to this notice of approval. There will be no impact on marine mammals or endangered species.

This amendment does not contain collection-of-information requirements subject to the Paperwork Reduction Act.

The Council has determined that the proposed amendment is consistent to the maximum extent practicable with the coastal zone programs of the governments of Hawaii, American Samoa, and Guam and has asked for concurrence with this determination. The governments did not respond; therefore, concurrence is inferred.

Amendment 6 does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

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

Dated: January 22, 1991.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 91-1889 Filed 1-25-91; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Precious Corals Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of approval of amendment 2 to the fishery management plan for precious corals.

SUMMARY: NOAA issues this notice that amendment 2 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region (FMP) has been approved. Amendment 2, which defines overfishing in compliance with national standards 1 and 2 of the Magnuson Act, was submitted by the Western Pacific Fishery Management Council (Council) for Secretarial review on October 16, 1990. No rulemaking is involved in this action.

DATES: January 22, 1991.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, NMFS, Southwest Region, (213) 514-6660, or Alvin Katekaru, NMFS, Pacific Area Office, Honolulu, Hawaii, (808) 955-8831.

SUPPLEMENTARY INFORMATION: A notice of availability of Amendment 2 was published in the *Federal Register* on November 2, 1990 (55 FR 46236), and comments were invited until December 20, 1990.

The guidelines to the national standards attendant to the Magnuson Act (50 CFR part 602) were revised in 1989 (54 FR 30711 *et seq.*) to require the Councils to amend all fishery management plans to include definitions of overfishing for their respective fisheries.

With regard to precious corals in the western Pacific, the Council defined overfishing of an established coral bed

as the point where the total spawning biomass (all species combined) has been reduced to 20 percent of its unfished condition, illustrated by the use of a spawning potential ratio (SPR), which is the ratio of the spawning stock biomass of a fished resource to the spawning stock biomass of an unfished resource.

The amendment also implements the requirement of an annual report that summarizes the best scientific information available on the biological condition of established precious coral beds. The report will contain an overview of the status of precious coral stocks and any significant trends in the fishery.

Three comments on the amendment were received. One individual suggested that the category "size of crew" be included in the annual report so that fishery employment in the fishery can be adequately represented. That suggestion has been adopted.

One individual asked for a clarification of Table 1 in the amendment, and another asked for an explanation of why SPR, which in the past has referred to spawning stock biomass per recruit, is used to refer to spawning stock biomass in the case of coral management. These comments have been referred to the Council for its attention.

Classification

The Director, Southwest Region, NMFS, determined that the Amendment, as approved, is necessary for the conservation and management of the precious corals fishery and is consistent with the Magnuson Act and other applicable law.

The Council included an environmental assessment (EA) in Amendment 2, and the Assistant Administrator for Fisheries, NOAA, concluded that there will be no significant impact on the human environment resulting from this amendment.

Because the amendment requires no implementing regulations, 5 U.S.C. 553 of the Administrative Procedure Act, E.O. 12291, and the Regulatory Flexibility Act do not apply to this notice of approval. There will be no impact on marine mammals or endangered species.

This amendment does not contain collection-of-information requirements subject to the Paperwork Reduction Act.

The Council has determined that the proposed amendment is consistent to the maximum extent practicable with the coastal zone programs of the governments of Hawaii, American Samoa, and Guam and has asked for concurrence with this determination.



