

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS) and request for written comments.

**SUMMARY:** NMFS announces its intent to prepare an EIS to assess the impact of Atlantic Coast weakfish harvests and proposed regulations on the natural and human environment. This notice of intent requests public input (written comments) on issues that NMFS should consider in preparing the EIS. Public hearings for the EIS will be scheduled at a later date. The EIS will evaluate the effects on the recovery of weakfish, as well as the effects on harvest of proposed regulations. In addition, this notice provides information on recent stock assessments for the Atlantic Coast weakfish and announces that NMFS is considering measures for the 1995 fishing year and beyond for the Atlantic Coast weakfish fishery in the exclusive economic zone (EEZ).

**DATES:** Written comments on the intent to prepare the EIS will be accepted until February 1, 1995. Public hearings will be announced in the Federal Register at a later date.

**ADDRESSES:** Comments should be sent to: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** William T. Hogarth, telephone (301) 713-2347.

**SUPPLEMENTARY INFORMATION:**

Section 804(b) of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) enacted in December 1993, (Public Law 103-206) states that, in the absence of an approved and implemented fishery management plan (FMP) under the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*, and after consultation with the appropriate Fishery Management Council(s) (Council), the Secretary of Commerce (Secretary) may implement regulations to govern fishing in the EEZ that are:

1. Necessary to support the effective implementation of an Atlantic States Marine Fisheries Commission (Commission) coastal fishery management plan (CFMP); and

2. Consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851).

These regulations may include measures recommended by the Commission to the Secretary that are necessary to support the provisions of a CFMP. Regulations issued by the Secretary to implement an approved FMP prepared by the appropriate Council(s) or the Secretary under the Magnuson Act shall supersede any conflicting regulations issued by the Secretary under section 804(b) of ACFCMA.

The provisions of sections 307 through 311 of the Magnuson Act (16 U.S.C. 1857 through 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations issued under section 804(b) of ACFCMA as if such regulations were issued under the Magnuson Act.

Management responsibility for weakfish resides primarily with the coastal states through the Commission's CFMP for weakfish (Plan). This Plan was adopted in 1985 by the coastal states from Maine through Florida in response to severe declines in the weakfish catches and populations along the coast. Increasingly strict state regulations have been imposed by amendments to the Plan since 1985 to restrict further the harvest of weakfish by recreational and commercial fisheries and to allow rebuilding of the stocks.

However, even with these restrictions, the weakfish population is not showing signs of recovery. In fact, the 1993 stock assessment suggests the beginning of recruitment failure; the fishing mortality rate (F) for the population is 1.3, i.e., 79 percent of the population is harvested each year; only 2 percent of the population achieves spawning age; and fishing is conducted primarily on 0- and 1-year-old fish. Moreover, overall landings (recreational and commercial) have declined from over 80 million

pounds (36 million kg) in 1980 to 7.8 million pounds (3.5 million kg) in 1993; the recreational catch has declined from 54 percent of the total landings in 1980 to 12 percent in 1993; and the commercial fishing effort has shifted, with 55 and 52 percent of the total commercial landings in 1992 and 1993, respectively, being taken in the EEZ compared with a low of 14 percent in 1973 and an average of 36 percent for the years 1972-93. These data clearly indicate that the weakfish stock is overfished and beginning to suffer recruitment failure. Harvest restrictions are definitely needed if weakfish are to recover.

Based on the recent stock assessments, NMFS will consider measures to regulate the Atlantic Coast weakfish fishery in the EEZ for the 1995 fishing year and beyond, including: (1) A prohibition on the taking or possession of weakfish in the EEZ; (2) applying state regulations to the EEZ; (3) imposition of specific Federal regulations on weakfish fishing in the EEZ; and (4) status quo or no action taken.

The Mid-Atlantic Council's workload will not permit it to undertake a Plan at this time. NMFS has determined that regulations in the EEZ must be implemented to support the CFMP for weakfish if there is to be a cooperative state and Federal effort to rebuild the weakfish stock.

NMFS has determined that the preparation of an EIS is appropriate, because of the potentially significant impact of EEZ regulations on the human environment and because no EIS currently exists. Participants in this fishery will be affected and may face more limited access to the weakfish resource, while the natural stocks of weakfish are allowed to recover.

Dated: January 12, 1995.

Richard H. Schaefer,

*Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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