

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

[I.D. 121704A]

## Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Highly Migratory Species Fisheries; Overfishing Determination for Bigeye Tuna

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

**ACTION:** Notice of overfishing determination.

**SUMMARY:** This action serves as notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that overfishing is occurring Pacific-wide on bigeye tuna (*Thunnus obesus*), and requests the Western Pacific Fishery Management Council and the Pacific Fishery Management Council (Councils) to take appropriate action by June 14, 2005, to end overfishing. The intent of this action is to notify interested persons that bigeye tuna is undergoing overfishing in the Pacific Ocean.

**SUPPLEMENTARY INFORMATION:** The following reprint of a December 15, 2004, letter from NMFS to the Councils notifies the Councils of a determination that overfishing is occurring Pacific-wide on bigeye tuna, provides the background on how NMFS made the determination, provides the legal basis for the Councils to act in response to a determination that overfishing is occurring, and requests the Councils to take appropriate action to end overfishing on bigeye tuna.

Dear Chairmen Morioka and Hansen,

This letter is to advise the Western Pacific Fishery Management Council and the Pacific Fishery Management Council (Councils) that the National Marine Fisheries Service (NMFS), on behalf of the Secretary of Commerce (Secretary), has determined that overfishing is occurring Pacific-wide on bigeye tuna (*Thunnus obesus*), and to request the Councils to take appropriate action to end overfishing.

*Determination*

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that the Secretary report annually on the status of fisheries within each regional fishery management council's geographical area of authority and identify those fisheries that are overfished or approaching a condition of being overfished (16 U.S.C. 1854(e)(1)). According to the guidelines for National Standard 1 of the Magnuson-Stevens Act (50 CFR 600.310), fishery stock status is assessed with respect to two status determination

criteria, one of which is used to determine whether a stock is "overfished" and the second of which is used to determine whether the stock is subject to "overfishing." A stock is considered to be overfished if its biomass falls below the minimum stock size threshold (MSST). A stock is subject to overfishing if the fishing mortality rate exceeds the maximum fishing mortality threshold (MFMT) for one year. The MSST and MFMT for particular stocks are specified in fishery management plans.

Based on the MFMT specifications for bigeye tuna in the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region, effective July 3, 2003 (68 FR 46112, August 5, 2003), and in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species, approved February 4, 2004, the MFMT would be exceeded if the fishing mortality rate exceeded the rate associated with maximum sustainable yield (MSY). Recent assessments of the status of bigeye tuna in the Pacific, described below, indicate that the fishing mortality rate has, for at least one year, been greater than the rate associated with MSY. According to these assessments and the MFMT specifications in the two fishery management plans, therefore, overfishing is occurring.

The stock structure of bigeye tuna in the Pacific Ocean is unresolved. Bigeye tuna in the Pacific has been assessed using two different approaches, one that treats it as a single Pacific-wide stock and the other that treats it as two stocks, one in the western and central Pacific, corresponding to the area of interest of the Secretariat of the Pacific Community (SPC), and the other in the eastern Pacific, corresponding to the area of authority of the Inter-American Tropical Tuna Commission (IATTC). This overfishing determination relies on assessment results from both these approaches but it does not rely on any assumptions or conclusions about stock structure.

The most recent stock assessments continued the separate stock approach used by IATTC and SPC. An assessment for the western and central Pacific was completed in July 2004<sup>1</sup> and an assessment for the eastern Pacific was completed in May 2004.<sup>2</sup> A Pacific-wide stock assessment, including comparisons with results from separate stock assessments, was completed in July 2003.<sup>3</sup>

The July 2004 assessment for the western and central Pacific indicates that there is a

<sup>1</sup> Hampton, J., P. Kleiber, A. Langley, and K. Hiramatsu. 2004. Stock assessment of bigeye tuna in the western and central Pacific Ocean. SCTB17 Working Paper SA-2. 17th Meeting of the Standing Committee on Tuna and Billfish, Majuro, Marshall Islands, 9-18 August 2004. July 2004.

<sup>2</sup> Harley, S.J. and M.N. Maunder. 2004. Status of Bigeye Tuna in the Eastern Pacific Ocean in 2003 and Outlook for 2004. Working Group on Stock Assessments, 5th Meeting, La Jolla, California (USA), 11-13 May 2004, Document SAR-5-05 BET. Inter-American Tropical Tuna Commission.

<sup>3</sup> Hampton, J., P. Kleiber, Y. Takeuchi, H. Kurota, and M. Maunder. 2003. Stock assessment of bigeye tuna in the western and central Pacific Ocean, with comparisons to the entire Pacific Ocean. SCTB16 Working Paper BET-1. Sixteenth Meeting of the Standing Committee on Tuna and Billfish, Mooloolaba, Queensland, Australia, 9-16 July 2003.

probability of at least 67 percent that the recent fishing mortality rate exceeded the fishing mortality rate associated with MSY.

The May 2004 assessment results for the eastern Pacific indicate that in all scenarios considered, the recent fishing mortality rate exceeded the rate associated with average MSY.

The results of the collaborative July 2003 assessment for the western and central Pacific and for the Pacific Ocean as a whole were similar in that the recent fishing mortality rate in both cases exceeded the fishing mortality rate associated with MSY. While the results with respect to fishing mortality were uncertain for both stock assumptions, there was a high degree of correspondence between the estimates of stock trends for the western and central Pacific and those for the Pacific as a whole.

Based on these assessment results for bigeye tuna in the Pacific Ocean, NMFS, relying on the expertise and advice of its regional Fisheries Science Centers, has determined that overfishing is occurring Pacific-wide on bigeye tuna.

*Notification*

As required by the Magnuson-Stevens Act (16 U.S.C. 1854(e)(2)) and the implementing regulations at 50 CFR 600.310(e)(2), the Councils are notified by way of this letter that the Secretary has determined that overfishing is occurring Pacific-wide on bigeye tuna. The Councils must take appropriate action to address this overfishing. As required by the Magnuson-Stevens Act (16 U.S.C. 1854(e)(3)) and the implementing regulations at 50 CFR 600.310(e)(3), the Councils must take remedial action to end overfishing within one year of an identification by the Secretary that overfishing is occurring. In the case of Pacific bigeye tuna, such an identification was made in the annual report to the Congress and the Council on the status of fisheries in 2003. This report was transmitted to the Congress on June 15, 2004, so the one-year period for Councils to take remedial action ends June 14, 2005.

Pacific bigeye tuna occurs in the waters of multiple nations and the high seas and is fished by the fleets of other nations in addition to those of the U.S. The capacity for unilateral action by the U.S. to prevent overfishing, as required under National Standard 1 of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(1)), is limited, as is the capacity for action taken by the Councils to end overfishing, as required under 50 CFR 600.310(e)(4)(i). Multilateral management action is essential to ensure that overfishing on bigeye tuna in the Pacific Ocean ends. NMFS will work with the Department of State, the regional fishery management councils, industry, and other interests to promote conservation and management measures in international and regional fishery management organizations to prevent further overfishing and ensure that bigeye tuna in the Pacific Ocean does not become overfished.

Sincerely,

William L. Robinson,  
Regional Administrator, Pacific Islands  
Region

Rodney McInnis,  
Regional Administrator, Southwest Region

Dated: December 23, 2004.

**Alan D. Risenhoover,**

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

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

I.D. 122704A

#### Mid-Atlantic Fishery Management Council (MAFMC); Meetings

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) and its Protected Resources Committee; its Squid, Mackerel, Butterfish Committee; its Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Reauthorization Committee; its Executive Committee; and, Ecosystems Committee will hold public meetings.

**DATES:** Tuesday, January 18, 2005 through Thursday, January 20, 2005. On Tuesday, January 18 the Protected Resources Committee will meet from 9–11 a.m. The Squid, Mackerel, Butterfish Committee will meet from 11 a.m. through 1 p.m., and the MSA Reauthorization Committee will meet from 2–5 p.m. On Wednesday, January 19 from 8:30–9:30 a.m., the Executive Committee will meet and the Council will convene at 9:30 a.m. From 9:30 a.m. through 12:00 noon, Council will approve the October and December Council meeting minutes, hear organizational and liaison reports. At 1 p.m., Council will present its 2004 Fisheries Achievement Award; from 1:15–2 p.m., Council will hear a National Marine Fisheries Service (NMFS) presentation regarding “Front Loading” requirements of regulatory actions; and, from 2–4 p.m., Council will meet as a Committee of the Whole for the Demersal Committee. On Thursday, January 20 the Ecosystem Committee will meet from 8–10 a.m. Council will convene at 10 a.m., and from 10–11 a.m. will receive a NMFS presentation regarding its Northeast Regional Office’s (NERO) updated Draft Regional Bycatch Plan. At 11 a.m. Council will receive status of the Council’s Fishery Management Plans,

hear the Executive Director’s Report, and address any new and/or continuing business.

**ADDRESSES:** This meeting will be at the Radisson Hotel Hampton, 700 Settler’s Landing Road, Hampton, VA, telephone 757-727-9700.

*Council address:* Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone 302-674-2331.

**FOR FURTHER INFORMATION CONTACT:**

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

**SUPPLEMENTARY INFORMATION:** Agenda items for the Council’s committees and the Council itself are: on January 18 the Protected Resources Committee will review and comment on a November 10, 2004 proposed rule regarding NMFS’ Bottlenose Dolphin Take-Reduction Plan. The Squid, Mackerel, Butterfish Committee will review the Public Hearing Document (PHD) and Draft Supplemental Environmental Impact Study (SEIS) for Amendment 9 to the Squid, Mackerel, Butterfish Fishery Management Plan. The Magnuson-Stevens Act Reauthorization Committee will review and discuss proposed changes to the Magnuson-Stevens Act and develop a Council position for suggested changes to the Act. On January 19 the Executive Committee will review changes in the Council’s Statement of Organization Practices and Procedures regarding pay administration for staff. Following the Executive Committee, the Council will convene and approve the October and December Council meeting minutes and hear organizational and liaison reports. Beginning its afternoon session, the Council will present its 2004 Fisheries Achievement Award to the Virginia Marine Resources Commission’s Law Enforcement Unit, and receive a presentation by the National Marine Fisheries Service (NMFS) regarding “Front Loading” requirements for regulatory actions. The Council will then meet as a Committee of the Whole for the Demersal Committee to review and comment on the status of action for Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (Pre-Scoping). On Thursday, January 20 the Ecosystem Committee will review the NMFS Northeast Science Center’s ecosystem efforts regarding development of science-based approaches to fishery management. The Council will convene at 10 a.m. to receive a presentation from NMFS/NERO regarding its updated Draft

Regional Bycatch Plan; hear staff and committee reports; and, act on any new and/or continuing business.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council’s intent to take final actions to address such emergencies.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Debbie Donnangelo (302-674-2331) at least 5 days prior to the meeting date.

Dated: December 27, 2004.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

### Technology Administration

#### The United States-Russia Innovation Council on High Technologies (ICHT)

**AGENCY:** Technology Administration, U.S. Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The Technology Administration invites nominations of individuals representing high technology business in the United States for appointment to five vacancies on the U.S.-Russia Innovation Council on High Technologies. The U.S. Department of Commerce (D.O.C.) and the Ministry of Education and Science (M.E.S.) of the Russian Federation (hereinafter referred to as “the Participants”), formed the Innovation Council on High Technologies (hereinafter referred to as “the Council”) in accordance with Article 3 of the Memorandum of Understanding between the D.O.C. and the M.E.S. on Cooperation in Technology and Innovation, signed at Washington, DC on April 19, 2004. The Technology Administration will consider all nominations received in response to this notice.

**DATES:** Nominations must be received at the address below by no later than January 31, 2005.