

and hatchery components; (5) the proportion of naturally reproducing fish that were reared as juveniles in a hatchery; (6) homing and straying of natural and hatchery fish; (7) the reproductive success of naturally reproducing hatchery fish (i.e., hatchery-produced fish that spawn in natural habitat) and their relationship to proposed ESU; (8) efforts being made to protect native, naturally reproducing populations of steelhead in this ESU; and (9) suggestions for specific regulations under section 4(d) of the ESA that should apply to steelhead in this ESU. Suggested regulations may address activities, plans, or guidelines that, despite their potential to result in the take of listed fish, will ultimately promote the conservation and recovery of threatened steelhead.

NMFS will review all public comments and any additional information regarding the status of the Northern California steelhead ESU and will complete a final rule within 1 year of this proposed rule, as required under the ESA. The availability of new information may cause NMFS to reassess the status of this ESU.

Joint Commerce-Interior ESA implementing regulations state that the Secretary "shall promptly hold at least one public hearing if any person so requests within 45 days of publication of a proposed regulation to list \* \* \* or to designate or revise critical habitat." (see 50 CFR 424.16(c)(3)). A public hearing schedule on this proposal is contained in this notice. A public hearing will provide the opportunity for the public to give comments and to permit an exchange of information and opinion among interested parties. NMFS encourages the public's involvement in such ESA matters. Written comments on the proposed rule should be submitted to NMFS (see ADDRESSES).

#### References

A complete list of all cited references is available upon request (see ADDRESSES).

#### Classification

##### *National Environmental Policy Act*

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation v. Andrus*, 675 F. 2d 825 (6th Cir. 1981), NMFS has concluded that ESA listing actions are not subject to the environmental assessment requirements of the National

Environmental Policy Act (NEPA). See NOAA Administrative Order 216-6.

##### *Executive Order 12866 and Regulatory Flexibility Act*

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act (RFA) are not applicable to the listing process. In addition, this final rule is exempt from review under Executive Order 12866.

##### *Executive Order 13132—Federalism*

In keeping with the intent of the Administration and Congress to provide continuing and meaningful dialogue on issues of mutual State and Federal interest, NMFS has conferred with State and local government agencies in the course of assessing the status of the Northern California steelhead ESU, and considered, among other things, state and local conservation measures. State and local governments have expressed support both for the conservation of the Northern California steelhead ESU and for activities that affect this ESU. The history and content of this dialogue, as well as the basis for this proposed action, is described in the SUPPLEMENTARY INFORMATION section of this document, and in other Federal Register documents preceding this proposed action. (See 61 FR 41541, August 9, 1996; 62 FR 43974, August 18, 1997; and 63 FR 13347, March 19, 1998). NMFS staff have had numerous discussions with various governmental agency representatives regarding the status of this ESU, and have sought working relationships with agencies and others in order to promote salmonid restoration efforts. In addition, NMFS' staff have given presentations to interagency forums and other interested groups considering conservation measures. As the process continues, NMFS intends to continue engaging in informal and formal contacts with affected state, local or regional entities, giving careful consideration to all written or oral comments received. As one part of that continued process, NMFS has scheduled public hearings on this proposed action. NMFS also intends to consult with appropriate elected officials in the establishment of a final rule.

At this time NMFS is not promulgating protective regulations pursuant to ESA section 4(d) or proposing to designate critical habitat. Prior to finalizing 4(d) regulations for this ESU, or proposing to designate critical habitat, NMFS will comply with

all relevant NEPA and RFA requirements.

#### List of Subjects in 50 CFR Part 223

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: February 4, 2000.

**Penelope D. Dalton,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set forth in the preamble, 50 CFR part 223 is proposed to be amended as follows:

#### PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

**Authority:** 16 U.S.C. 1531 *et seq.*; 16 U.S.C. 742a *et seq.*; 31 U.S.C. 9701.

2. In § 223.102, paragraph (a)(22) is added to read as follows:

##### § 223.102 Enumeration of threatened marine and anadromous species.

\* \* \* \* \*

(a) \* \* \*

(22) Northern California steelhead (*Oncorhynchus mykiss*). Includes all naturally spawned populations of steelhead (and their progeny) in coastal river basins ranging from Redwood Creek in Humboldt County, California to the Gualala River, inclusive, in Mendocino County, California.

\* \* \* \* \*

[FR Doc. 00-3283 Filed 2-10-00; 8:45 am]

BILLING CODE 3510-22-F

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 648

[I.D. 012400B, 012900C]

##### Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Deep-sea Red Crab Fishery; Scoping Process

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

**ACTION:** Notice of intent to prepare a Supplemental Environmental Impact Statement (SEIS), an Environmental Impact Statement (EIS), and notices of scoping processes; requests for comments; extensions of the comment periods.

**SUMMARY:** The New England Fishery Management Council (Council) recently announced its intention to prepare Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and a Fishery Management Plan for deep-sea crab, and, if necessary, to prepare an SEIS and an EIS, respectively, to analyze the impacts of any proposed management measures for this action. NMFS is extending the comment period for submission of written comments for both actions to ensure opportunity for public comment.

**DATES:** Written comments on the intent to prepare the SEIS for Amendment 10 to the Atlantic Sea Scallop FMP must be received on or before 5:00 p.m., local time, March 6, 2000. Written scoping comments on the intent to prepare an EIS for the deep-sea red crab fishery must be received on or before 5:00 p.m., local time, March 3, 2000.

**ADDRESSES:** Written comments should be sent to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. Comments may also be sent via fax to (978) 465-0492. Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water St., Mill 2, Newburyport, MA 01950; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** On February 4, 2000 (65 FR 5488), NMFS published notification of the Council's intention to prepare Amendment 10 to the Atlantic Sea Scallop FMP. See the February 4, 2000, **Federal Register** notification for background and scoping information related to Amendment 10 and for the public meeting schedule. NMFS is extending the period to submit written comments from March 1, 2000, to March 6, 2000.

On February 2, 2000 (65 FR 4941), NMFS published notification of the Council's intention to prepare an FMP for deep-sea red crab and to prepare an EIS, if necessary. See the February 2, 2000, **Federal Register** notification for background and scoping information related to this action and for the public meeting schedule. NMFS is extending the period for submission of written comments from February 21, 2000, to March 3, 2000.

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

Dated: February 7, 2000.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 00-3285 Filed 2-10-00; 8:45 am]

**BILLING CODE 3510-22-F**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 012800F]

#### Western Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold a meeting to give the public an opportunity to comment on a regulatory amendment to be implemented under the framework process of the Council's Pelagics Fishery Management Plan. The measure would establish a 50-nautical mile (nm) closure to pelagic fishing vessels larger than 50 ft (15.24 m) around Tutuila and Manua Islands, and a 30-nm closure around Swain's Atoll.

**DATES:** The meeting will be held February 17, 2000, from 3:00 p.m. to 5:00 p.m.

**ADDRESSES:** The meeting will be held in the conference room at the Department of Marine and Wildlife Resources (DMWR) in American Samoa at the address given here. Copies of the background material summarizing the Council's previous deliberations, rationale, and analysis of the preferred alternative may be obtained from the DMWR, P.O. Box 3730, Pago Pago, American Samoa 96799.

**FOR FURTHER INFORMATION CONTACT:** Ray Tulafono, Director, DMWR; telephone 684-633-4456.

**SUPPLEMENTARY INFORMATION:** This meeting is being convened to give the public in American Samoa the opportunity to comment on a revised framework measure under the Council's Fishery Management Plan for the Pelagic Fisheries of the Western Pacific region. In December 1997, at its 94th Meeting, the Council voted to recommend a closed area from which large (greater than 50 ft (15.24 m)) pelagic fishing vessels would be excluded to protect the small vessel longline fishery in American Samoa.

That proposed revision was adopted under the two-meeting framework process. The measure would have established a 50-nm closure to pelagic fishing vessels larger than 50 ft (15.24 m) around Tutuila and Manua Islands, and a 30-nm closure around Swain's Atoll. The recommended closure was sent to the NMFS Southwest Regional Administrator in October 1998 but was disapproved in March 1999, with the advice that it could be re-submitted if amended to include greater justification for closed areas under National Standard 8 of the Magnuson-Stevens Fishery Conservation and Management Act.

Subsequently a revision of the framework measure has been drafted that includes a preferred alternative to implement a 50-nm closure to pelagic fishing vessels larger than 50 ft (15.24 m) around Tutuila and Manua Islands, and a 30-nm closure around Swain's Atoll. The Council will take final action on this framework measure at its 102nd meeting which will be held between February 28 and March 2, 2000, in Honolulu, HI.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ray Tulafono, 684-633-4456 (voice), or 684-633-5944 (fax), at least 5 days prior to the meeting date.

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

Dated: February 8, 2000.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 00-3213 Filed 2-8-00; 4:34 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 020200B]

#### Western Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting; public scoping hearing; public hearing.

**SUMMARY:** The Western Pacific Fishery Council's (Council) will hold its 73<sup>rd</sup> meeting of its Scientific and Statistical