

States, with limited exceptions. This document seeks comments from the public to aid in determining if a proposed rule is warranted.

**DATES:** Comments must be submitted on or before September 22, 2003.

**ADDRESSES:** Comments may be mailed or sent by fax to the Chief, Division of Environmental Quality, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 322, Arlington, VA 22203; fax (703) 358-1800. You may also send comments by electronic mail (e-mail) to: [SilverCarp@fws.gov](mailto:SilverCarp@fws.gov). See the Public Comments Solicited section below for file format and other information about electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Kari Duncan, Division of Environmental Quality, Branch of Invasive Species at (703) 358-2464 or [kari\\_duncan@fws.gov](mailto:kari_duncan@fws.gov).

**SUPPLEMENTARY INFORMATION:** On October 16, 2002, the U.S. Fish and Wildlife Service received a petition requesting that bighead carp, black carp, and silver carp be considered for inclusion in the injurious wildlife regulations pursuant to the Lacey Act. The petitioners expressed concern that silver carp could invade the Great Lakes from the Mississippi River basin, where they are established, through a manmade ship and sanitary canal. The petitioners, 25 members of Congress representing the Great Lakes region, are concerned that silver carp, because they are voracious eaters, may impact food supplies available to native fisheries in the Great Lakes, which are already struggling against other invasive species. The petitioners also noted that the Great Lakes fisheries are valued at approximately \$4 billion, and resource managers have spent decades trying to restore and protect them.

Silver carp are native to several major Pacific drainages in eastern Asia from the Amur River of far eastern Russia, south through much of the eastern half of China to the Pearl River, possibly including northern Vietnam. Silver carp are filter feeders capable of eating large amounts of phytoplankton. They also feed on zooplankton, bacteria, and detritus (loose material produced directly from disintegration processes). They prefer standing or slow-flowing water of impoundments or river backwaters ranging in temperature from 43 to 82 °F. They can grow to maximum lengths of about 40 inches and weigh up to 110 pounds. They reach sexual maturity at about 18 inches and can live up to 20 years.

Silver carp were imported into the United States in 1973 and stocked for phytoplankton control in eutrophic

(nutrient rich) water bodies and as a food fish (Fuller, et al, 1999). By the mid-1970s, silver carp were being raised at six Federal, State, and private facilities, and had been stocked in several municipal sewage lagoons by the late 1970s. Silver carp have been recorded in 12 States.

The Lacey Act (18 U.S.C. 42) and its implementing regulations in 50 CFR part 16 restrict the importation into or the transportation between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States of any species of wildlife, or eggs thereof, determined to be injurious or potentially injurious to certain interests, including those of agriculture, horticulture, forestry, the health and welfare of human beings, and the welfare and survival of wildlife and wildlife resources in the United States. However, injurious wildlife may be imported by permit for zoological, educational, medical, or scientific purposes in accordance with permit regulations at 50 CFR 16.22, or by Federal agencies without a permit solely for their own use. If the process initiated by this notice results in the addition of silver carp to the list of injurious wildlife contained in 50 CFR part 16, their importation into the United States would be prohibited except under the conditions, and for the purposes, described above.

This notice solicits economic, biological, or other information concerning silver carp. The information will be used to determine if the species is a threat, or potential threat, to those interests of the United States delineated above, and thus warrants addition to the list of injurious wildlife in 50 CFR 16.13.

#### Public Comments Solicited

Please send comments to Chief, Division of Environmental Quality, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 322, Arlington, VA 22203. Comments may be hand-delivered to the above address or faxed to (703) 358-1800. If you submit comments by e-mail, please submit comments as an ASCII file format and avoid the use of special characters and encryption. Please include "Attn: [RIN 1018-A187]" and your name and return address in your e-mail message. Please note that this email address will be closed at the termination of this public comment period.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours.

Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**Authority:** This notice is issued under the authority of the Lacey Act (18 U.S.C. 42).

Dated: June 27, 2003.

**Craig Manson,**

*Assistant Secretary for Fish, Wildlife and Parks.*

[FR Doc. 03-18654 Filed 7-22-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 030314059-3173-02; I.D. 062003A]

RIN 0648-AQ48

#### Fisheries of the Exclusive Economic Zone (EEZ) Off Alaska; Salmon Fisheries off the Coast of Alaska

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to correct the definition of the area in which salmon fishing regulations implementing the Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska (Salmon FMP) apply, to remove the words "high seas" wherever they appear in the salmon fishing regulations, and to remove an obsolete reference to the North Pacific Fisheries Act of 1954 from the salmon fishing regulations. This action is necessary to make the regulations consistent with the area definition approved by the Secretary of Commerce (Secretary) in Amendment 3 to the Salmon FMP. The intended effect of this action is

regulatory consistency with the provisions of Amendment 3 to the Salmon FMP and improved conservation and management of the salmon fisheries off the coast of Alaska.

**DATES:** Comments must be received no later than August 22, 2003.

**ADDRESSES:** Comments may be sent to Sue Salvesson, Assistant Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, (Attn: Lori Durall). Hand or courier deliveries of comments may be sent to NMFS, Alaska Region, 709 West 9th Street, Room 420, Juneau, AK 99801. Comments also may be sent via facsimile (fax) to 907-586-7557. Comments will not be accepted if submitted via e-mail or the Internet.

Copies of the Regulatory Impact Review (RIR) may be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 1668, Attn: Lori Gravel-Durall.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7228 or e-mail at patsy.bearden@noaa.gov.

**SUPPLEMENTARY INFORMATION:**

**Background**

The salmon fishery in the EEZ off the Coast of Alaska is managed pursuant to the Salmon FMP prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* Implementing regulations originally appeared at 50 CFR part 674.

The original Salmon FMP provided for the management of the salmon fisheries throughout the EEZ off the coast of Alaska except for the extreme western part of the EEZ west of 175° E. long., near Attu Island. The Council excluded this extreme western part of the EEZ because this area was under the jurisdiction of the International Convention for the High Sea Fisheries of the North Pacific Ocean. The original name of the salmon FMP was the "Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude."

Over time, the international regime affecting salmon fisheries changed and the Council revisited its salmon management policies. In 1989, the Council adopted Amendment 3 to the FMP which, among other things, renamed the FMP to "Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska," deferred regulation of the salmon fisheries in the EEZ to the State of Alaska, and extended the geographic

jurisdiction of the Salmon FMP over waters of the EEZ west of 175° E. long. The Secretary approved Amendment 3 to the FMP in 1990 and published a final rule on November 15, 1990 (55 FR 47773) implementing associated measures and removing all the specific management measures from 50 CFR part 674. The 1990 implementing regulations unintentionally omitted the new title of the FMP and the extension of the geographic jurisdiction of the FMP. No public comment was received on this or on any of the other changes made by Amendment 3, and the entire amendment was non-controversial.

In compliance with required consolidation of all Federal fishery regulations pursuant to President Clinton's Regulatory Reform Initiative, NMFS Alaska Region combined all existing fisheries regulations for the EEZ off Alaska, including part 674, into a new 50 CFR part 679 (62 FR 19686, April 23, 1997). This final rule recodified the two regulatory provisions that NMFS erroneously failed to revise in its 1990 rulemaking that implemented Amendment 3. Moreover, NMFS erred again in the regulatory consolidation by redefining the "High Seas Salmon Management Area" as "the portion of the EEZ off Alaska east of 175° E. long." This new error reinstated the definition of the Salmon FMP management area effective prior to approval of Amendment 3 by eliminating waters west of 175 degrees east longitude from the management area. Consequently, the current regulations implementing the Salmon FMP fail to give regulatory effect to the expansion of geographic jurisdiction adopted in Amendment 3.

A correction notice was published (67 FR 44093, July 1, 2002) to change the name of the Salmon FMP as it appears in 50 CFR 679.1(i) to be consistent with the Salmon FMP as amended and approved by the Secretary.

This action proposes to correct the second omission in the regulations in order to completely implement Amendment 3, by revising the language that describes the geographic jurisdiction of the Salmon FMP as described in Amendment 3.

This action also incorporates other changes. The specific changes proposed by this action are as follows:

**Section 679.1 Purpose and Scope**

Section 679.1(h) would be revised to remove the reference to 175° E. long., and to restate the application of State of Alaska regulations consistent with the approved Salmon FMP, as shown in the following table.

TABLE 1. PROPOSED CHANGES TO REGULATORY TEXT.

Existing text	Proposed text
(i) Fishery Management Plan for the Salmon Fishery in the EEZ off the Coast of Alaska (Salmon FMP). Regulations in this part govern fishing for salmon by fishing vessels of the United States in the EEZ seaward of Alaska east of 175° E. long., referred to as the High Seas Salmon Management Area.	(i) Fishery Management Plan for the Salmon Fishery in the EEZ off the Coast of Alaska (Salmon FMP) (1) Regulations in this part govern fishing for salmon by fishing vessels of the United States in the Salmon Management Area. (2) State of Alaska laws and regulations that are consistent with the Salmon FMP and with the regulations in this part apply to vessels of the United States that are fishing for salmon in the Salmon Management Area.

**Section 679.2 Definitions**

The definitions of "High Seas Salmon Management Area," "Commercial fishing," paragraph (1)," "personal use fishing," and "Optimum yield," paragraph (1) would be revised to remove the term "high seas" which was made obsolete by approval of Amendment 3.

**Section 679.3 Relation to Other Laws**

The heading of § 679.3(f), § 679.3(f)(1), and § 679.3(f)(3) would be revised to remove "High Seas Salmon" and add in its place "Salmon."

**Section 679.4 Permits**

Section 679.4 would be revised to remove the term "High Seas Salmon" in 26 places where the term occurs in headings and paragraphs.

**Section 679.7 Prohibitions**

The heading for § 679.7(h) would be revised to remove the term "High Seas Salmon" and add in its place "Salmon." Section 679.7(h)(1) would be removed because it refers to the North Pacific Fisheries Act of 1954, 16 U.S.C. 1021-1035, which is no longer in effect. Paragraph (h)(2) would be redesignated as introductory paragraph (h) and would be revised to remove the term "High Seas Salmon" and add in its place "Salmon."

Figure 23 to 50 CFR part 679 would be added to present a map showing the location of the Salmon Management Area.

## Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed rule would extend the jurisdiction of the Salmon Fishery Management Plan (FMP) to the EEZ waters west of 175° E. long, so that it is consistent with the provisions of Amendment 3 to the FMP. This proposed rule will have no effect on any small entities because there is no domestic salmon fishery in these waters, there has not been any domestic salmon fishing in these waters for 40 years, and NMFS expects no salmon fishing to develop in these waters in the foreseeable future. As a result, an initial regulatory flexibility analysis was not prepared.

## List of Subjects in 50 CFR Part 679

Alaska, Fisheries, International organizations, Recordkeeping and reporting.

Dated: July 17, 2003.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

## PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

**Authority:** 16 U.S.C. 773 et. seq., 1801 et. seq., and 3631 et. seq.

2. In § 679.1, paragraph (i) is revised to read as follows:

### § 679.1 Purpose and scope.

\* \* \* \* \*

(i) Fishery Management Plan for the Salmon Fisheries in the EEZ off the

Coast of Alaska (Salmon FMP). (1) Regulations in this part govern fishing for salmon by fishing vessels of the United States in the Salmon Management Area.

(2) State of Alaska laws and regulations that are consistent with the Salmon FMP and with the regulations in this part apply to vessels of the United States that are fishing for salmon in the Salmon Management Area.

\* \* \* \* \*

3. In § 679.2, the definition for “High Seas Salmon Management Area” is removed; the definitions for “Commercial fishing,” paragraph (1); “Optimum yield” paragraph (1); and “Personal use fishing,” are revised and the definition for “Salmon Management Area” is added, alphabetically to read as follows:

### § 679.2 Definitions.

\* \* \* \* \*

*Commercial fishing* means:

(1) For purposes of the salmon fishery, fishing for salmon for sale or barter.

\* \* \* \* \*

*Optimum yield* means:

(1) With respect to the Salmon Fishery, that amount of any species of salmon that will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, as specified in the Salmon FMP.

\* \* \* \* \*

*Personal use fishing* means, for purposes of the salmon fishery, fishing other than commercial fishing.

\* \* \* \* \*

Salmon Management Area means the waters of the EEZ off the coast of Alaska (see Figure 23 to part 679), including parts of the North Pacific Ocean, Bering Sea, Chukchi Sea, and Beaufort Sea. The Salmon Management Area is divided into a West Area and an East Area with the border between the two at the longitude of Cape Suckling (143° 53' 36" W):

(1) The West Area is the area of the EEZ off the coast of Alaska west of the longitude of Cape Suckling (143° 53' 36"

W.) It includes the EEZ in the Bering Sea, Chukchi Sea, and Beaufort Sea, as well as the EEZ in the North Pacific Ocean west of Cape Suckling.

(2) The East Area is the area of the EEZ off the coast of Alaska east of the longitude of Cape Suckling (143° 53' 36" W.).

\* \* \* \* \*

4. In § 679.7, paragraph (h) is revised to read as follows:

### § 679.7 Prohibitions.

\* \* \* \* \*

(h) *Salmon fisheries.* (1) Fish for, take, or retain any salmon in violation of this part. (2) Engage in fishing for salmon in the Salmon Management Area defined at § 679.2 and Figure 23 to this part, except to the extent authorized by § 679.4(h).

\* \* \* \* \*

### §§ 679.3 and 679.4 [Amended]

5. In addition to the amendment set out above, in 50 CFR part 679, remove the words “High Sea Salmon” and add in their place the word “Salmon” in the following places:

a. In § 679.3:

The heading for paragraph (f), introductory text, (f)(1), and (f)(3).

b. In § 679.4:

Paragraph (a)(1)(v),

The heading and paragraph (h) introductory text,

Paragraphs (h)(1), (h)(1)(iii), (h)(3), (h)(4), (h)(5)(i), (h)(5)(i)(A), (h)(5)(i)(B), (h)(5)(i)(C), (h)(5)(ii), (h)(6) introductory text, (h)(6)(iv), (h)(7)(i), (h)(8), (h)(10),

The heading for paragraph (h)(13) introductory text,

Paragraphs (h)(13)(i), (h)(13)(ii)(A), (h)(13)(ii)(E), (h)(14)(i), (h)(15)(i), (h)(15)(iii), (h)(15)(vii), (h)(16)(i).

### § 679.4 [Amended]

6. In § 679.4(h)(2), remove the words “High Seas Management Area” and add in their place the words “Salmon Management Area.”

7. In part 679, Figure 23 is added to read as follows:

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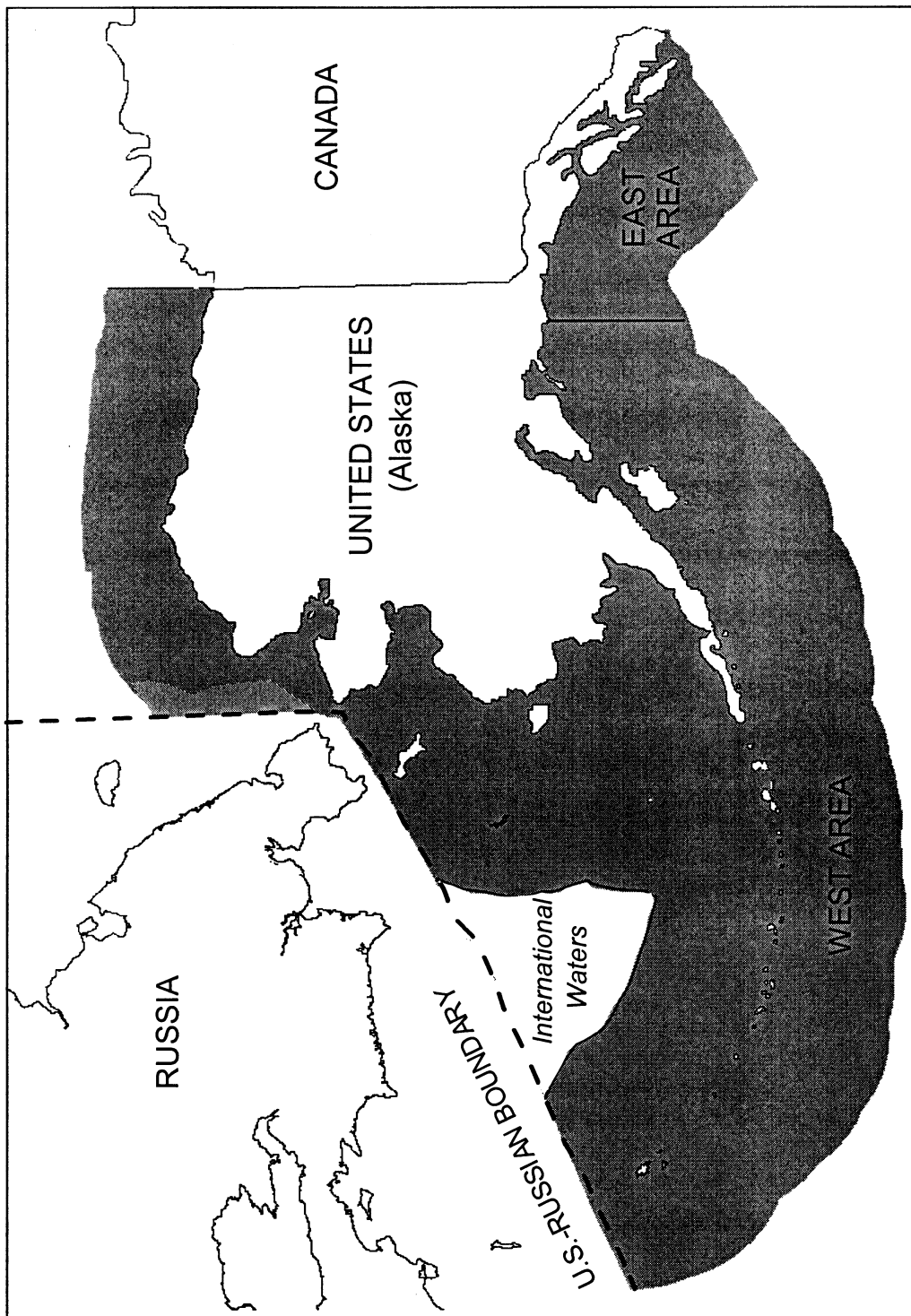


Figure 23 to Part 679 -- Salmon Management Area  
(see § 679.2)