

automatically result in closures or other fishing restrictions. Rather, the areas are intended to focus conservation efforts and bring heightened awareness to the importance of the habitat being considered as an HAPC.

Draft Amendment 1 considers several alternatives for designating HAPCs for bluefin tuna (BFT) spawning areas in the Gulf of Mexico. A growing body of evidence collected in the Gulf of Mexico, including but not limited to, NMFS observer program data, NMFS larval surveys, and peer-reviewed publications that include information from pop-up archival tags (PATs) and pop-up satellite archival tags (PSATs) have highlighted the central Gulf of Mexico as an important BFT spawning area. Although no directed BFT fishing is permitted in the Gulf of Mexico, and there are no direct environmental effects of designating the Gulf or portions of the Gulf as a HAPC, the designation could help identify additional conservation efforts, for example, to minimize the impacts of oil and gas development projects on BFT spawning habitat.

Fishing and Non-Fishing Activities

In addition to considering revisions to existing EFH and designating new HAPCs, the EFH guidelines require that FMPs identify fishing and non-fishing activities that may adversely affect EFH. Each FMP must include an evaluation of the potential adverse impacts of fishing on EFH designated under the FMP, effects of each fishing activity regulated under the FMP, as well as the effects of other Federal FMPs and non-federally managed fishing activities (i.e., state fisheries) on EFH. The FMPs must describe each fishing activity and review and discuss all available relevant information such as the intensity, extent, and frequency of any adverse effects on EFH; the type of habitat within EFH that may be adversely affected; and the habitat functions that may be disturbed (50 CFR 600.815(a)(2)). If adverse effects of fishing activities are identified, then the Magnuson-Stevens Act requires the effects of such fishing activities on EFH to be minimized to the extent practicable (Magnuson-Stevens Act section 303(a)(7)).

NMFS completed the original analysis of fishing and non-fishing impacts in the 1999 FMP for Atlantic Tunas, Swordfish, and Sharks, and presented all new information gathered during the five-year review, including a comprehensive review of all fishing gears and non-fishing activities that could potentially impact EFH, in the 2006 Consolidated HMS FMP. In that FMP, NMFS preliminarily concluded

that no HMS gear, other than bottom longline, was likely to have an effect on HMS or other managed species' EFH since most HMS gears such as rod and reel, handline, and pelagic longline, are fished in the water column where they are unlikely to affect either the water column or benthic habitat that define EFH for managed species. Bottom longline gear is used predominantly in the Atlantic commercial shark fishery to target large and small coastal sharks. The Consolidated FMP also indicated that additional analyses would be initiated to determine the extent to which bottom longline gear might be impacting specific habitats such as coral reefs, which are generally considered the habitat type most likely to be adversely affected by bottom longline gear.

This draft amendment includes: an assessment of whether HMS bottom longline gear is used in EFH; an analysis of the intensity, extent, and frequency of such impacts; and a determination as to whether those impacts are more than minimal and not temporary. The "more than minimal and not temporary" threshold was established by NMFS as the necessary threshold for taking additional action to minimize such impacts. Based on the analysis, NMFS has determined that bottom longline gear is not having more than a minimal and temporary effect on EFH and thus has not proposed any measures to restrict the use of bottom longline gear. The findings are based on observer program data which indicate that only a small fraction of bottom longline sets occur within coral reef habitat, as well as recent measures included in Amendment 2 to the Consolidated HMS FMP which are expected to greatly reduce fishing effort in the Atlantic shark fishery (73 FR 40658; July 15, 2008). Nevertheless, NMFS will continue to work with the Regional Fishery Management Councils to identify areas where bottom longline gear used in the reef fish fishery or snapper grouper fishery may be having an adverse effect on habitat, and where the Councils may propose to prohibit bottom longline gear. In those cases, NMFS may consider complementary regulations to prohibit shark bottom longline gear as was done in the Caribbean (72 FR 5633, February 7, 2007) and most recently in the South Atlantic Marine Protected Areas (73 FR 40658, July 15, 2008).

Public Hearings and Special Accommodations

As listed in the table below, NMFS will hold six public hearings to receive comments from fishery participants and

other members of the public regarding this draft amendment to the Consolidated HMS FMP.

Date	Time	Hearing Location
Sept 30, 2008	3:30–4:30 p.m.	Crowne Plaza Hotel, 8777 Georgia Ave., Silver Spring, MD 20910
Oct 14, 2008	7:00–9:00 p.m.	Key Largo Grand Resort & Beach Club, 97000 South Overseas Highway, Key Largo, FL 33037
Oct 15, 2008	7:00–9:00 p.m.	Ramada Inn, 1701 S. Virginia Dare Trail, Kill Devil Hills, NC 27948
Oct 28, 2008	7:00–9:00 p.m.	Renaissance Riverview Plaza Hotel, 64 South Water St., Mobile, AL 36602
Nov 18, 2008	7:00–9:00 p.m.	Sheraton Ferncroft Resort, 50 Ferncroft Rd., Danvers, MA 01923
Dec 3, 2008	7:00–9:00 p.m.	Hilton Wilmington Riverside, 301 N. Water Street, Wilmington, NC 28401

These hearings will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Chris Rilling at (301) 713-2347 at least 7 days prior to the hearing date.

NMFS has requested time to present this draft amendment to the five Atlantic Regional Fishery Management Councils and the Atlantic and Gulf States Marine Fisheries Commissions at their meetings during the public comment period. Please see the Councils' and Commissions' fall and winter meeting notices for dates, times, and locations. NMFS also anticipates holding a meeting of its HMS Advisory Panel (AP) from September 30 – Oct 2,

