

**Authority:** 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

Dated: April 23, 2018.

**Samuel D. Rauch, III,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

[Docket No. 180202114-8361-01]

RIN 0648-BH60

#### Pacific Island Fisheries; 5-Year Extension of Moratorium on Harvest of Gold Corals

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

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

**SUMMARY:** This proposed rule would  
extend the current region-wide  
moratorium on the harvest of gold corals  
in the U.S. Pacific Islands through June  
30, 2023. NMFS intends this proposed  
rule to prevent overfishing and to  
stimulate research on gold corals.

**DATES:** NMFS must receive comments  
by May 11, 2018.

**ADDRESSES:** You may submit comments  
on this document, identified by NOAA-  
NMFS-2018-0018, by either of the  
following methods:

- **Electronic Submission:** Submit all  
electronic public comments via the  
Federal e-Rulemaking Portal. Go to  
[https://www.regulations.gov/#!docket  
Detail;D=NOAA-NMFS-2018-0018](https://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0018), click the  
“Comment Now!” icon, complete  
the required fields, and enter or attach  
your comments.

- **Mail:** Send written comments to  
Michael D. Tosatto, Regional  
Administrator, NMFS Pacific Islands  
Region (PIR), 1845 Wasp Blvd., Bldg.  
176, Honolulu, HI 96818.

**Instructions:** NMFS may not consider  
comments sent by any other method, to  
any other address or individual, or  
received after the end of the comment  
period. All comments received are a  
part of the public record and will  
generally be posted for public viewing  
on <https://www.regulations.gov> without  
change. All personal identifying  
information (e.g., name, address, etc.),  
confidential business information, or

otherwise sensitive information  
submitted voluntarily by the sender will  
be publicly accessible.

**FOR FURTHER INFORMATION CONTACT:** Kate  
Taylor, NMFS PIR Sustainable  
Fisheries, 808-725-5182.

**SUPPLEMENTARY INFORMATION:** Jewelry  
designers use small amounts of precious  
corals to adorn their products. The  
precious corals fishery in the U.S.  
Pacific Islands includes black, pink,  
bamboo, and gold corals. They are slow-  
growing and have low rates of natural  
mortality and recruitment. Unexploited  
populations are relatively stable, and a  
wide range of age classes is generally  
present. Due to the great longevity of  
individuals and the associated slow  
population turnover rates, a long period  
of reduced fishing effort is required to  
restore a stock's ability to produce at the  
maximum sustainable yield if a stock  
has been over-exploited. Fishermen  
harvest precious corals by various  
methods, including hand-harvesting and  
submersibles.

Gold corals are suspension feeders,  
and live in deep water (100–1,500  
meters (m)) on hard substrates where  
bottom currents are strong, such as  
seamounts, ledges, pinnacles, walls, and  
cliffs. Prior fishing effort harvested gold  
corals by submersible or tangle net  
dredges. There are several beds of gold  
corals (*Gerardia* spp., *Callogorgia*  
*gilberti*, *Narella* spp., and *Calyptrophora*  
spp.) in the U.S. Exclusive Economic  
Zone (EEZ, generally 3–200 nautical  
miles from shore) around Hawaii. Gold  
coral distribution and abundance are  
unknown in the region beyond Hawaii,  
but they likely occur in the EEZ around  
American Samoa, the Commonwealth of  
the Northern Mariana Islands, Guam,  
and the Pacific Remote Island Areas  
(PRIA: Baker Island, Howland Island,  
Jarvis Island, Wake Atoll, Johnston  
Atoll, Kingman Reef, Midway Atoll, and  
Palmyra Atoll).

NMFS and the Western Pacific  
Fishery Management Council (Council)  
manage precious coral fisheries in the  
U.S. Pacific Islands under fishery  
ecosystem plans (FEPs) for American  
Samoa, Hawaii, the Mariana  
Archipelago, and the PRIA. The FEPs  
and associated Federal regulations at 50  
CFR part 665 require permits and data  
reporting, and allow harvesting of  
precious corals only with selective gear  
(e.g., submersibles, remotely-operated  
vehicles, or by hand). There are also  
bed-specific quotas, refuges from  
fishing, and size limits. The fishery for  
gold corals, like most deepwater  
precious corals, has remained dormant  
since 2001.

The Council considered past and  
current research on gold corals growth  
rates and recruitment. Past research on  
gold corals indicated that the linear  
growth rate of gold corals is  
approximately 6.6 centimeters/year,  
suggesting a relatively young age for  
large coral colonies. However, updated  
research using radiocarbon dating  
revealed that gold corals in Hawaii  
could have a growth rate of 0.14–0.40  
centimeters/year and that colony ages  
ranged from 450–2,740 years.  
Additional research also identified  
previously unknown habitat  
requirements for gold coral, specifically  
that gold corals may depend on bamboo  
corals to provide required substrate for  
gold coral larvae.

Because of these uncertainties, the  
Council and NMFS established a 5-year  
moratorium on harvesting gold corals in  
2008 (73 FR 47098, August 13, 2008).  
They extended the moratorium for  
another five years in 2013 (78 FR 32181,  
May 29, 2013). These moratoria have  
prevented the potential for  
overharvesting gold corals from a  
renewed fishery and allowed for  
research on gold coral biology. The  
current moratorium is scheduled to  
expire on June 30, 2018.

The Council continues to be  
concerned about uncertainties related to  
the growth rates and habitat  
requirements for gold coral, and  
recognizes that fishery managers need  
more research to inform appropriate  
measures for this fishery. This proposed  
rule would extend the moratorium  
through June 30, 2023. The proposed  
action would prevent the potential for  
overfishing and allow such further  
research on gold corals that could  
inform sustainable management models  
and reference points for appropriate  
gold coral management measures.

NMFS must receive any public  
comments on this proposed rule by the  
close of business on May 11, 2018, and  
will not consider late comments.

#### Classification

Pursuant to section 304(b)(1)(A) of the  
Magnuson-Stevens Act, the NMFS  
Assistant Administrator has determined  
that this proposed rule is consistent  
with the FEPs for American Samoa, the  
PRIA, Hawaii, and the Mariana  
Archipelago, other provisions of the  
Magnuson-Stevens Act, and other  
applicable law, subject to further  
consideration after public comment.

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

*Certification of Finding of No Significant Impact on Substantial Number of Small Entities*

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 current gold coral harvest moratorium for five years. The current moratorium is scheduled to expire on June 30, 2018. The Western Pacific Fishery Management Council (Council) recommended extending the moratorium through June 30, 2023.

The proposed action would potentially affect any entity possessing a Federal western Pacific precious corals permit, because those entities would be permitted to harvest or land gold corals, in addition to black, bamboo, pink, and red corals. Only one entity, based in the state of Hawaii, currently possesses a permit ([http://www.fpir.noaa.gov/SFD/SFD\\_permits\\_index.html](http://www.fpir.noaa.gov/SFD/SFD_permits_index.html), accessed: February 2, 2018). NMFS believes that this entity would be considered a small entity because the permit holder is engaged in the business of fish harvesting, independently owned or operated, not dominant in their field of operation, and has annual gross receipts not in excess of \$11 million.

Although NMFS believes that the permit holder would be considered a small entity, it is unlikely that the permit holder would begin to harvest gold corals in the absence of a moratorium. The Pacific Islands gold coral fishery had been dormant when the current moratorium went into effect in 2008, and extended in 2013. Gold coral harvesting had occurred infrequently during the past 50 years. In the late 1970s, harvesters used a manned submersible to selectively take several thousand kilograms of gold coral off eastern Oahu, Hawaii. From 1999–2001, a second harvester took a small amount of gold coral, along with other

deepwater precious corals, from exploratory areas off Hawaii.

Extending the moratorium on gold coral harvests will not likely cause immediate economic impact to the entity permitted to harvest gold corals. Furthermore, this fishery is still characterized by high equipment and operating costs, continued safety concerns and other logistical constraints. Gold coral market prices are not high enough to offset those risks and expenses. Because of these challenges to entities wishing to harvest and land gold corals, interest in this fishery will likely remain low even without the moratorium. However, extending the moratorium for another five years would ensure that no harvesting of gold corals would occur until at least 2023.

Additional research may better inform future management decisions regarding sustainable harvest of this resource.

The proposed rule does not duplicate, overlap, or conflict with other Federal rules and is not expected to have significant impact on small entities (as discussed above), organizations or government jurisdictions. There does not appear to be disproportionate economic impacts from the proposed rule based on home port, gear type, or relative vessel size. The proposed rule will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As a result, an initial regulatory flexibility analysis is not required, and none has been prepared.

#### List of Subjects in 50 CFR 665

Administrative practice and procedure, American Samoa, Deep sea coral, Fisheries, Fishing, Guam, Hawaii, Northern Mariana Islands, Pacific Remote Island Areas, Precious coral.

Dated: April 23, 2018.

**Samuel D. Rauch III**,  
Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 665 as follows:

## PART 665—FISHERIES IN THE WESTERN PACIFIC

- 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

- 2. Revise § 665.169 to read as follows:

#### § 665.169 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2023.

- 3. In § 665.269, revise note 2 to the table in paragraph (d) to read as follows:

#### § 665.269 Quotas.

\* \* \* \* \*

(d) \* \* \*

#### Notes:

1. No fishing for coral is authorized in refugia.
2. A moratorium on gold coral harvesting is in effect through June 30, 2023.

- 4. Revise § 665.270 to read as follows:

#### § 665.270 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2023.

- 5. Revise § 665.469 to read as follows:

#### § 665.469 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2023.

- 6. Revise § 665.669 to read as follows:

#### § 665.669 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2023.

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