

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, 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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