

“1260.38” and adding “1260.40” in its place.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

[Docket No. 031001243-3243-01]

RIN 0648-AQ41

### Gray's Reef National Marine Sanctuary Regulations

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Proposed rule; notice of public availability of draft management plan/draft environmental impact statement.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) is proposing a draft revised management plan and revised regulations for the Gray's Reef National Marine Sanctuary (GRNMS or Sanctuary). The revised regulations would prohibit anchoring in the Sanctuary and would restrict all fishing except that conducted by rod and reel and handline gear. NOAA is issuing this proposed rule to provide notice to the public and invite advice, recommendations, information, and other comments from interested parties on the proposed rule and Draft Management Plan/Draft Environmental Impact Statement (DMP/DEIS). Public hearings will be held as detailed below:

(1) Monday, November 17, 2003, 6:30 p.m. in Charleston, SC.

(2) Tuesday, November 18, 2003, 6:30 p.m. in Savannah, GA.

(3) Wednesday, November 19, 2003, 6:30 p.m. in Savannah, GA.

(4) Thursday, November 20, 2003, 6:30 p.m. in Statesboro, GA.

(5) Monday, December 1, 2003, 6:30 p.m. in Kingsland, GA.

(6) Tuesday, December 2, 2003, 6:30 p.m. in Brunswick, GA.

(7) Wednesday, December 3, 2003, 6:30 p.m. in Midway, GA.

**DATES:** Comments will be considered if received by December 31, 2003.

**ADDRESSES:** Written comments should be sent by mail to Reed Bohne, Manager, Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, Georgia, 31411, by e-mail to [graysreefcomments@noaa.gov](mailto:graysreefcomments@noaa.gov), or by fax

to (912) 598-2367. Copies of the DMP/DEIS are available from the same address. Public hearings will be held at:

(1) Town and Country Inn and Conference Center, 2008 Savannah Highway, Charleston, SC 29407.

(2) Coastal Georgia Center, 305 Fahm Street, Savannah, GA 31401.

(3) Quality Inn Savannah South, I-95 and Highway 204, Savannah, GA 31419.

(4) Outreach Center, 515 Denmark Street, Statesboro, GA 30458.

(5) Holiday Inn Express, 1375 Hospitality Ave., Kingsland, GA 31548.

(6) Coastal Georgia Community College, 3700 Altama Avenue, Brunswick, GA 31520.

(7) Coastal Electric Cooperative, 1265 South Coastal Highway, Midway, GA 31320.

**FOR FURTHER INFORMATION CONTACT:** Becky Shortland at (912) 598-2381 or [becky.shortland@noaa.gov](mailto:becky.shortland@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Introduction

Pursuant to section 304(e) of the National Marine Sanctuaries Act (16 U.S.C. 1434(e)) the National Marine Sanctuary Program (NMSP) has completed its review of the management plan for the Gray's Reef National Marine Sanctuary (GRNMS or Sanctuary), located 17.5 nautical miles off the coast of Georgia. The review has resulted in a proposed new management plan for the Sanctuary, several proposed revisions to existing regulations and several proposed new regulations. The new regulations would restrict fishing at GRNMS to use of rod and reel and handline gear by prohibiting the injuring, catching, harvesting, or collecting of any marine organism or part thereof in the Sanctuary except by these gear types. All other forms of fishing gear would have to be stowed when a vessel is in the Sanctuary. The regulations would also prohibit anchoring vessels in the Sanctuary. These measures would afford better protection to the nationally significant marine resources and habitats at GRNMS.

Existing regulations would also be revised to address placing or abandoning structures on the submerged lands; using underwater explosives or devices generating electrical current; and moving or damaging historical resources. The permit regulations for the Sanctuary are also being revised and clarified. The following requirements are proposed for issuance of permits: Prior to permit issuance, the Director of the NMSP would be required to consider the duration of the activity and its effects; the cumulative effects; and

whether it is necessary to conduct the proposed activity in the Sanctuary. Permit holders would also be required to display a copy of the permit on board any vessel or aircraft used in the permitted activity.

The new management plan for the Sanctuary contains a series of action plans that outline management, research, and education activities that are planned for the next five years. The activities are designed to address specific issues facing the Sanctuary and in doing so, help achieve the management objectives of the GRNMS and the larger mandates of the NMSP.

This document publishes the proposed regulations and the proposed revisions to existing regulations, publishes the text of the proposed Revised Designation Document for the Sanctuary, and announces the availability of the draft management plan and the draft environmental impact statement (DMP/DEIS). The draft management plan details the proposed goals and objectives, management responsibilities, research and monitoring activities, outreach and educational programs, and enforcement activities.

Gray's Reef National Marine Sanctuary, which was designated on January 16, 1981 (46 FR 7942), consists of approximately 16.68 square nautical miles of ocean waters and hard bottom located 17.5 nautical miles off Sapelo Island, Georgia. It is one of the largest nearshore rocky reefs off the southeastern United States and is in a transition zone between temperate and tropical waters. Some reef fish populations and plant communities change seasonally, while others are year-round residents. Migratory fish move through the Sanctuary, using the reef for food and shelter. Loggerhead sea turtles, a threatened species, use GRNMS for foraging and resting. The reef is also close to the only known calving ground for the highly endangered Northern right whale.

The hard bottom habitat at the Sanctuary is composed of marine sediments (mud, sand, and shells) that were deposited between 2-3,000,000 years ago. These marine sediments were consolidated into rock during subsequent glacial periods by numerous changes in sea level that repeatedly exposed and then submerged the areas of GRNMS as the coastline advanced and retreated across the continental shelf.

Recent bottom mapping indicates that the area is a single rock unit. It is made of calcareous sandstone that formed as a result of the compacting marine sediments and aerial exposure. The