

Informational Report 1
Mitchell Act Update
November 2004



Mitchell Act Hatchery Environmental Impact Statement (EIS) Gets Underway

[Providing Comments](#)

[Questions
Answers](#)

[Key Topics
to be Evaluated](#)

[Project Location](#)

[Mitchell Act
Hatchery Programs](#)

[Harvest](#)

[Columbia River NEPA
and Recovery](#)

[For More
Information](#)

NOAA Fisheries will prepare an Environmental Impact Statement (EIS) for the funding and operation of Columbia River hatcheries supported through the Mitchell Act. Comments and suggestions are invited from all interested parties to ensure the EIS considers a full range of related issues and alternatives.

**Download the
Notice of Intent to Prepare an EIS**
[pdf format \(56k\);](#)
[html format \(10k\)](#)

[The Mitchell Act \(Public Law 75-502\)](#) was passed in 1938 when Congress recognized that the salmon fishery of the Columbia River was in serious and progressive decline. The Mitchell Act is a Federal program that provides authority for funding, operation, and maintenance of hatcheries in the Columbia River basin. NOAA Fisheries administers funds appropriated for the Mitchell Act program by Congress and provides annual funding to the fishery management agencies of Oregon and Washington, the Confederated Tribes and Bands of the Yakama Nation, and the U.S. Fish and Wildlife Service for hatchery production of salmon and steelhead. Currently, these funds support the operation and maintenance of 18 hatcheries, which stock the mainstem Columbia River and its tributaries with close to 65 million salmon and steelhead annually. These funds also provide for the marking of hatchery fish and support associated monitoring, reform, and scientific investigations.

The Mitchell Act Hatchery EIS will evaluate the environmental impacts of a full range of alternatives for funding and operation of Columbia River hatchery programs consistent with the Mitchell Act, Endangered Species Act, treaty rights and tribal trust responsibilities, and broader NOAA Fisheries objectives for sustainable fisheries under the Magnuson-Stevens Fishery Conservation and Management Act. For more information on topics that will be evaluated in the EIS, please click on the "[Key Topics...](#)" button to the left.

Comments must be received by NOAA Fisheries no later than December 2, 2004. Send correspondences to Allyson Ouzts, 525 NE Oregon St., Suite 510, Portland, OR 97232. Comments can also be sent via fax to (503) 872-2737, or via e-mail to MitchellActEIS.nwr@noaa.gov.

NOAA Fisheries asks that comments be as specific as possible. For more information on providing comments, including a list of topics of particular interest to NOAA Fisheries, please click on the "[Providing Comments](#)" button to the left.



Key Topics to be Evaluated in the Mitchell Act Hatchery EIS

Home
Questions & Answers
Providing Comments
Project Location
Mitchell Act Hatchery Programs
Harvest
Columbia River NEPA and Recovery
For More Information

The EIS will potentially address the following issues:

Salmonids

Steelhead and chinook, chum, and coho salmon are found within the project area. How will hatchery operations positively or negatively affect the distribution, diversity, and abundance of the various populations? Are there any hatchery barriers that prevent adult salmon and steelhead from migrating upstream? Are hatchery fish preserving the existence of any salmonid populations? Are the hatchery fish preying upon wild fish and/or competing for their food or space? Are hatchery fish interbreeding with wild fish and making wild fish less able to survive and reproduce? What are the effects of hatchery broodstock collection on wild populations? Are hatchery fish transferring disease to wild salmonids?

Other Fish and Wildlife

Many other fish and wildlife species are found in the project area, including bald eagles, otters, gulls, and bull trout. How will hatchery operations impact these other fish and wildlife species? Will there be an increase or decrease in the availability of food for these species? Are any predator control practices applied at the hatcheries that may impact wildlife?

Water Quality and Quantity

Hatcheries withdraw and release water used for fish rearing into streams and rivers. What are the impacts of this effluent on water quality?

Socio-Economics, Treaty Rights, and Tribal Trust Responsibilities

Treaty Indian tribes largely depend on hatchery fish for the meaningful exercise of treaty-guaranteed fishing rights. These fishing rights entitle the tribes to commercial, ceremonial, and subsistence fisheries. How are treaty fishing rights and tribal trust responsibilities affected by hatchery production? What is the cultural value of hatchery fish to Columbia River tribes? How do hatchery fish affect the socioeconomics of other communities?

Environmental Justice

Will hatchery operations under any EIS alternative have disproportional impacts on lower income groups?

[Puget Sound EIS Home](#)
[NOAA Home](#) | [NOAA Fisheries Home](#)
[NWR Home](#) | [Salmon Recovery Division](#) | [Salmon Recovery Q&As](#)
[ESA Fact Sheets](#) | [Federal Register Notices](#) | [ESA Status Pages](#)
[FirstGov](#)

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Mitchell Act Hatchery Programs

Home
Questions & Answers
Providing Comments
Key Topics to be Evaluated
Project Location
Harvest
Columbia River NEPA and Recovery
For More Information

The Mitchell Act supports 18 hatcheries in the Columbia River basin that release close to 65 million fish annually.

The following table provides information on the number and species of fish released from each facility.

- For more information on ODFW's Mitchell Act hatchery programs, please see [this program summary](#).
- For more information on USFWS programs, please see the USFWS Hatchery Genetic and Management Plans, available on the [Northwest Region's HGMP page](#).
- For more information on WDFW hatchery programs, please visit their website at wdfw.wa.gov/hat/hgmp/ (this link takes you off of this NOAA Fisheries site).

Mitchell Act Production (by species/race), in numbers of fish released annually, for programs operated by the Oregon Department of Fish and Wildlife (ODFW), U.S. Fish & Wildlife Service (USFWS), and the Washington Department of Fish and Wildlife (WDFW).

Agency	Facility	Fall Chinook	Spring Chinook	Coho	Winter Steelhead	Summer Steelhead
ODFW	Big Creek	5,700,000		535,000	200,000	
	Bonneville/Cascade/Oxbow			4,800,000		
	Sandy			1,000,000		
	Bonneville				276,000	215,000
	Clackamas		1,577,000		15,000	
USFWS	Carson		1,420,000			
	Little White Salmon/Willard ¹		1,000,000	2,000,000		
	Eagle Creek			2,050,000	150,000	
	Spring Creek	15,300,000				
WDFW	Kalama Falls	5,000,000	500,000	800,000	180,000	
	North Toutle	2,500,000	100,000	800,000	25,000	
	Washougal	4,000,000		3,300,000		
	Elochoman	2,000,000		1,000,000	160,000	
	Ringold ²					225,000
	Klickitat	4,000,000	800,000	1,000,000		
	Skamania				190,000	330,000
Species Total		38,500,000	5,397,000	17,285,000	1,196,000	770,000

Grand Total: 63,148,000

¹ A portion of the Mitchell Act-funded coho and the non-Mitchell-Act-funded upriver bright fall chinook are acclimated in the Yakima Basin by the Yakama Nation with Mitchell Act funds.

² In addition, Ringold provides short-term acclimation for over 3,200,000 up-river bright fall chinook reared with U.S. Army Corps of Engineers funding at Bonneville Hatchery.



Fishery Harvest and the Mitchell Act Hatchery EIS

Home
Providing Comments
Questions & Answers
Key Topics to be Evaluated
Project Location
Columbia River NEPA and Recovery
Mitchell Act Hatchery Programs
For More Information

The Mitchell Act was passed in 1938 when Congress recognized that the salmon fishery in the Columbia River was in serious and progressive decline. Years later, Congress passed the Magnuson-Stevens Fisheries and Conservation and Management Act (Magnuson-Stevens Act) to establish additional measures to protect the nation's fisheries. In addition, the Federal government must protect tribal fishing rights guaranteed to the Columbia River Indian tribes in treaties with the U.S. government and reaffirmed in subsequent court decisions (e.g., U.S. v. Oregon), as well as fulfill the Federal tribal trust responsibilities to all tribal entities. NOAA Fisheries will follow these laws and mandates when developing the Mitchell Act EIS.

[Mitchell Act EIS Home](#)
[NOAA Home](#) | [NOAA Fisheries Home](#)
[NWR Home](#) | [Salmon Recovery Division](#) | [Salmon Recovery Q&As](#)
[ESA Fact Sheets](#) | [Federal Register Notices](#) | [ESA Status Pages](#)
[FirstGov](#)

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Mitchell Act Hatcheries & Salmon Recovery

Home
Providing Comments
Questions & Answers
Key Topics to be Evaluated
Project Location
Mitchell Act Hatchery Programs
Harvest
For More Information

There are 12 Evolutionarily Significant Units (ESUs; see the brief explanation [below](#)) of salmon and steelhead in the Columbia River basin protected under the Endangered Species Act (ESA). The ESA's purpose is to provide a program that brings endangered or threatened species to the point that continued protection under the ESA is no longer necessary. It is NOAA Fisheries' policy to work collaboratively with local interests on such programs or recovery plans.

Local groups throughout the Columbia River Basin are drafting subbasin plans for their areas through the Northwest Power and Conservation Council's Fish and Wildlife Program. NOAA Fisheries is working with regional groups, such as the Lower Columbia and Upper Columbia Fish Recovery Boards to "roll up" these local subbasin plans and take them to the next level of contributing to comprehensive ESA recovery plans for the ESUs.

The recovery plans will address the integration of habitat, harvest, hydro-power, and hatcheries with natural processes (e.g., cyclic ocean conditions). The final Columbia River basin hatchery plans, evaluated through NOAA Fisheries' ESA and National Environmental Policy Act (NEPA) review processes, will be incorporated into the final Columbia River Basin recovery plans.

An ESU (Evolutionarily Significant Unit) is how NOAA Fisheries applies the concept of a "distinct population segment" to Pacific salmon and steelhead. An ESU is a distinct population or group of populations. A population or group of populations is considered distinct if they are "substantially reproductively isolated from conspecific populations" and if they are considered "an important component of the evolutionary legacy of the species."

For more information on ESUs, see: Waples, R.S. 1991. Definition of "Species" Under the Endangered Species Act: Application to Pacific Salmon. U.S. Department of Commerce, NOAA Technical Memorandum, NMFS, F/NWC-194.



Questions & Answers on the Mitchell Act Hatchery EIS

[Home](#)

[Providing Comments](#)

[Key Topics to be Evaluated](#)

[Project Location](#)

[Harvest](#)

[Columbia River NEPA and Recovery](#)

[Mitchell Act Hatchery Programs](#)

[For More Information](#)

Question: Why should people be interested in this process?

Answer: This is an opportunity for the public to provide input on how NOAA Fisheries will allocate Mitchell Act funds specifically earmarked to support hatchery operations.

Question: How does this NEPA process relate to the NOAA Fisheries' proposed Hatchery Listing Policy?

Answer: The EIS process must identify and consider the effects of hatchery-origin fish over a broad range of topics (e.g., non-listed plant and animal species, water resources, and socio-economics in addition to listed species) and will closely track development of a final NOAA Fisheries Hatchery Listing Policy.

Question: Will the EIS affect the Endangered Species Act (ESA) status reviews for Columbia River basin salmon and steelhead?

Answer: The public comment period on NOAA Fisheries' proposed findings for Columbia River basin salmon and steelhead closes October 20, 2004, and final determinations are required by June 2005. Completion of the EIS during the fall of 2006 will come long after the ESA determinations for Columbia River basin salmon and steelhead. The ESA requires that listing decisions consider the best available commercial and scientific data. As the NEPA process proceeds, emerging information will be taken into account in ESA listing decisions up until the time that final decisions are published.

Question: How will hatchery programs supported through the Mitchell Act be evaluated under the Endangered Species Act (ESA)?

Answer: Hatchery programs that may affect ESA protected fish must be evaluated for compliance with the ESA. These programs include those that use ESA-protected fish for research or enhancement purposes. NOAA Fisheries will use information from this EIS when evaluating Mitchell Act-funded hatchery programs under the ESA.

Question: When does NOAA Fisheries expect to complete the EIS?

Answer: NOAA Fisheries expects to complete a draft EIS by fall 2005 and final EIS by fall 2006.



Who to Contact for More Information



Questions on the Mitchell Act Hatchery EIS may be directed to Allyson Ouzts with NMFS at (503) 736-4736.

[Mitchell Act EIS Home](#)
[NOAA Home](#) | [NOAA Fisheries Home](#)
[NWR Home](#) | [Salmon Recovery Division](#) | [Salmon Recovery Q&As](#)
[ESA Fact Sheets](#) | [Federal Register Notices](#) | [ESA Status Pages](#)
[FirstGov](#)

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Last updated: Thu, 16 Sep 2004 23:20:27 GMT
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This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: August 30, 2004.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. E4-2069 Filed 9-2-04; 8:45 am]

BILLING CODE 3510-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 083004A]

Notice of Intent to Conduct Public Scoping and Prepare an Environmental Impact Statement on the Funding and Operation of Columbia River Hatcheries

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

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: NMFS is currently developing options for funding and operation of Columbia River basin hatcheries consistent with the Mitchell Act, Endangered Species Act (ESA), treaty Indian trust responsibilities, and broader NMFS objectives for sustainable salmon fisheries under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This activity is a major Federal action significantly effecting the environment and, therefore must comply with the National Environmental Policy Act, (NEPA). NMFS will be the lead agency undertaking the NEPA process for the allocation and distribution of Federal funding authorized by the Mitchell Act for Columbia River basin hatcheries through preparation of an Environmental Impact Statement (EIS). NMFS provides this notice to: advise other agencies and the public of its intent to prepare an EIS; and obtain suggestions and information on the

scope of issues and alternatives to include in the EIS.

DATES: Written scoping comments are encouraged and should be received at the appropriate address or fax number (see ADDRESSES) no later than 5 p.m. Pacific time on December 2, 2004. If the response to this Notice indicates there is a need, one or more public scoping meetings will be held. NMFS will notify the public of the time, date, and location of the meeting(s) in a subsequent **Federal Register**.

ADDRESSES: Address comments and requests for information related to preparation of the EIS, requests for public meetings, or requests to be added to the mailing list for this project, to Allyson Ouzts, NMFS Northwest Regional Office, 525 N.E. Oregon Street, Suite 510, Portland, OR 97232; facsimile (503) 872-2737. Comments may be submitted by e-mail to the following address: *MitchellActEIS.nwr@noaa.gov*. In the subject line of the e-mail, include the document identifier: Mitchell Act Hatchery EIS. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Allyson Ouzts at 503-736-4736. In addition, further information on the Mitchell Act hatchery program may be found at: *www.nwr.noaa.gov*.

SUPPLEMENTARY INFORMATION: The Mitchell Act (16 U.S.C. 755 *et seq.*), which was approved by Congress on May 11, 1938 (Public Law 75-502) and amended on August 8, 1946 (Public Law 79-676), provides authority for the funding, operation, and maintenance of hatcheries in the Columbia River basin in the States of Oregon, Washington, and Idaho. NMFS administers funds appropriated for the Mitchell Act program by Congress and provides annual funding to states, tribes, and other Federal agencies for the operation of Columbia River salmon and steelhead hatchery programs. Funds are used for salmon and steelhead production, monitoring, reform, and associated scientific investigations. Salmon and steelhead produced in these hatcheries are for harvest in the Columbia River basin and ocean fisheries consistent with the Magnuson-Stevens Act, treaty Indian trust responsibilities, and Court decisions (e.g. *U.S. v. Oregon*). Under the ESA, NMFS must ensure that hatchery operations in the Columbia River Basin do not jeopardize the survival and recovery of ESA listed salmon or steelhead. Potential ESA evaluations include section 7 consultations, section 10 permits, and

determinations under NMFS' 4(d) Rule (July 10, 2000, 65 FR 42422). Consequently, NMFS must take two connected actions: (1) Allocate and distribute Mitchell Act funds for Columbia River hatchery operations; and, (2) make ESA determinations on the operation of Mitchell Act hatchery programs.

NMFS is seeking public input on the scope of the proposed action, including the range of reasonable alternatives and the associated impacts of any alternatives. Alternatives evaluated in the EIS may include: (1) current operation and funding of Mitchell Act hatchery programs (i.e., No Action Alternative); (2) where feasible, a conversion of hatchery programs currently operated to augment harvest into programs designed to aid in recovery of ESA listed salmon and steelhead; (3) movement of some hatchery production to areas upstream to accommodate different fisheries; (4) a change in the numbers and species of salmon and steelhead produced; and (5) an emphasis on maximizing the numbers of harvestable fish in certain areas.

Currently, most funds provided through the Mitchell Act support hatcheries located downstream of The Dalles Dam. However, NMFS will analyze the use of funds for hatchery production throughout the Columbia River basin in various alternatives. As a result, all counties with tributaries to the Columbia River that could support salmon and steelhead production may be affected by the proposed action. In Oregon, these counties include: Clatsop, Columbia, Multnomah, Clackamas, Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Yamhill, Washington, Polk, Marion, Benton, Linn, Lane, Wheeler, Union, Baker, Wallowa, and Grant Counties. In Washington, these counties include: Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Benton, Franklin, Asotin, Columbia, Walla Walla, Whitman, Yakima, Kittitas, Chelan, Douglas, Grant, and Okanogan Counties. In Idaho, these counties include: Latah, Clearwater, Nez Perce, Lewis, Idaho, Valley, Lemhi, Custer, and Adams Counties.

The EIS will evaluate, to the extent possible, the effects of each alternative on the following resources: fish, wildlife, water quality, economic benefits, environmental justice, and tribal subsistence and ceremonial fisheries. In addition, each alternative will be analyzed in terms of estimated costs for implementation and benefits to fisheries and recovery of salmon. The Preferred Alternative will be identified

at the earliest possible time in the EIS process as stipulated by Council on Environmental Quality regulations. The Preferred Alternative will identify a proposed plan for funding and operation of Mitchell Act hatchery programs after considering funding availability, consistency with the ESA, potential impacts on environmental resources, and broader objectives for harvest and/or conservation.

ESA listed species under NMFS jurisdiction that may potentially be affected by the proposed action include: Lower Columbia River Chinook Salmon (*Oncorhynchus tshawytscha*); Upper Willamette River Chinook Salmon (*O. tshawytscha*); Upper Columbia River Spring-Run Chinook Salmon (*O. tshawytscha*); Snake River Spring/Summer-Run Chinook Salmon (*O. tshawytscha*); Snake River Fall-Run Chinook Salmon (*O. tshawytscha*); Snake River Sockeye Salmon (*O. nerka*); Columbia River Chum Salmon (*O. keta*); Lower Columbia River Steelhead (*O. mykiss*); Upper Willamette River Steelhead (*O. mykiss*); Middle Columbia River Steelhead (*O. mykiss*); Upper Columbia River Steelhead (*O. mykiss*); and, Snake River Basin Steelhead (*O. mykiss*). ESA listed species regulated by the U. S. Fish and Wildlife Service that may potentially be affected by the proposed action include bull trout (*Salvelinus confluentus*) and bald eagles (*Haliaeetus leucocephalus*).

Comments and suggestions are invited from all interested parties to ensure that the EIS considers the full range of related issues and alternatives to the proposed action. NMFS requests that comments be as specific as possible. In particular, NMFS requests information regarding: other possible alternatives; the direct, indirect, and cumulative impacts that implementation of the proposed plan could have on endangered and threatened species and their communities and habitats; potential adaptive management and/or monitoring provisions; funding issues; baseline environmental conditions in counties that may be affected; other plans or projects that might be relevant to this proposed project; and potential methods to minimize and mitigate for impacts.

Written comments concerning the proposed action and its environmental review should be directed to NMFS as described above (see **ADDRESSES**). All comments and materials received, including names and addresses, will be made available to the public upon request.

The environmental review of this project will be conducted in accordance with the requirements of NEPA, as

amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR 1500 1508), NOAA Administrative Order 216-6, and other appropriate Federal laws and regulations.

Dated: August 30, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04-20157 Filed 9-2-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 083004C]

Fisheries of the Caribbean, Gulf of Mexico and South Atlantic; Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico; Amendment 24

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

ACTION: Notice announcing the preparation of an environmental assessment.

SUMMARY: NMFS, in cooperation with the Gulf of Mexico Fishery Management Council (Council), is preparing an environmental assessment (EA) for proposed Amendment 24 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP). A notice published February 13, 2004, indicated that Amendment 24 would be supported by a Draft Supplemental Environmental Impact Statement (DSEIS). This notice is intended to inform the public of the change in the environmental review document supporting Amendment 24.

FOR FURTHER INFORMATION CONTACT: Rick Leard, phone: 813-228-2815 ext. 228, fax: 813-225-7015, e-mail:

Rick.Leard@gulfcouncil.org; or Phil Steele, phone: 727-570-5305, fax: 727-570-5583, e-mail: *phil.steele@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS, in cooperation with the Council, is preparing an EA for proposed Amendment 24 to the Reef Fish FMP. The EA will examine alternatives related to the commercial vessel reef fish permit moratorium, which is scheduled to expire on December 31, 2005. Specifically, Amendment 24 includes alternatives that would: allow the moratorium to expire, extend the existing moratorium for a designated

time frame, or extend the existing moratorium indefinitely.

On February 13, 2004, NMFS and the Council published a Notice of Intent in the **Federal Register** to prepare a DSEIS in association with Amendment 24 (69 FR 7187). However, the preliminary environmental review of Amendment 24 indicated that it would not likely have a significant impact on the quality of the human environment. Consequently, NMFS and the Council are preparing an EA, rather than proceeding directly with the development of a SEIS. This notice is intended to inform the public of this change.

If the EA results in a Finding of No Significant Impact (FONSI), the EA and FONSI will be the final environmental documents required by the National Environmental Policy Act. If the EA reveals that significant environmental impacts may be reasonably expected to result from the proposed actions, NMFS and the Council will develop a DSEIS to further evaluate those impacts.

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

Dated: August 30, 2004.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 04-20158 Filed 9-2-04; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082304C]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Scientific and Statistical Committee's (SSC) Socioeconomic Subcommittee, SSC Biological Assessment Subcommittee, the SSC, and a joint meeting of the SSC and the SSC Selection Committee. The Council will also hold a joint meeting of its Ecosystem-Based Management Committee and Habitat Committee, a joint meeting of its Shrimp Advisory Panel and Committee, Shrimp Committee, Snapper Grouper Committee, Standard Operation, Policy, and Procedure (SOPPs) Committee, Law Enforcement Committee, Mackerel Committee, and a joint Executive/