

line extending directly east from the Dade/Monroe County boundary (25°20.4' N. lat.) to a line extending directly east from the Volusia/Flagler county boundary (29°25' N. lat.).

For the Florida west coast sub-zone, the Councils recommended daily trip limits only for vessels harvesting king mackerel under the gillnet quota proposed in Amendment 7; they recommended no trip limits for vessels fishing under the hook-and-line quota proposed in that amendment. The daily possession/landing limit for a vessel using gillnets and having obtained a proposed gillnet endorsement on its Federal commercial mackerel permit would be 25,000 lb (11,340 kg) for the taking of the first 90 percent of the gillnet quota, then be reduced to 15,000 lb/day (6,804 kg/day) until the entire quota has been harvested. These trip limits would replace the 50-fish limit that was implemented during the 1993-94 season when 75 percent of the west coast sub-zone quota was taken. As proposed under Amendment 7, from November 1 through March 31, the Florida west coast sub-zone would encompass the waters off the southeast, south, and west coasts of Florida from the Dade/Monroe County boundary (25°20.4' N. lat.) to a line extending directly south from the Alabama/Florida boundary (87°31'06" W. long.). From April 1 through October 31, when the boundary separating the Gulf and Atlantic groups of king mackerel is a line extending directly west from the Monroe/Collier boundary (25°48' N. lat.), the west coast sub-zone would extend from that boundary to the Alabama/Florida boundary and would exclude the Florida Keys (Monroe County).

The Regional Director initially concurs that the Councils' recommendations are necessary to protect the king and Spanish mackerel stocks and prevent overfishing and that they are consistent with the objectives of the FMP. Accordingly, the Councils' recommended changes are published for comment.

Classification

This proposed rule is exempt from review under E.O. 12866.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

The proposed reduction in the TAC for Atlantic group king mackerel is not expected to affect the revenues of small entities. Except for the 1988/89 fishing

season, neither the commercial nor the recreational allocation has been filled, and for the last five consecutive fishing years, neither fishery has been closed.

The increase in TAC for the Atlantic group of Spanish mackerel will only slightly increase revenues to the commercial industry. The proposed trip limits for Gulf group king mackerel are expected to result in small increases in benefits for the industry. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 3, 1994.

Charles Karnella,

*Acting Program Management Officer,
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 642 is proposed to be amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

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

§ 642.25 [Amended]

2. In § 642.25, in paragraph (a)(2), the numbers "3.90" and "1.77" are revised to read "3.71" and "1.68", respectively; in paragraph (b)(2), the numbers "4.50" and "2.04" are revised to read "4.60" and "2.09", respectively.

§ 642.27 [Amended]

3. In § 642.27, in paragraph (b), the numbers "4.25" and "1.93" are revised to read "4.35" and "1.97", respectively.

4. In § 642.28, as published as a proposed rule on June 1, 1994 (59 FR 28330), in paragraphs (a)(1) and (a)(2), "50 percent" is revised to read "75 percent"; and paragraph (b)(1) is revised to read as follows:

§ 642.28 Additional limitations for Gulf group king mackerel in the eastern zone.

* * * * *

(b) * * *

(1) In the Florida west coast sub-zone, king mackerel in or from the EEZ may be possessed aboard or landed from a vessel for which a permit with a gillnet endorsement has been issued under § 642.4.

(i) From July 1, each fishing year, until 90 percent of the sub-zone's king mackerel quota for vessels fishing with run-around gillnets has been harvested—in amounts not exceeding 25,000 lb (11,340 kg) of king mackerel per day; and

(ii) From the date, each fishing year that 90 percent of the sub-zone's king mackerel quota for vessels fishing with run-around gillnets has been harvested until a closure of the Florida west coast sub-zone's commercial fishery for vessels fishing with run-around gillnets has been effected under § 642.26—in amounts not exceeding 15,000 lb (6,804 kg) per day.

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50 CFR Part 651

[Docket No. 940532-4204; I.D. 062194]

Northeast Multispecies Fishery

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

ACTION: Disapproval of a revised portion of an FMP amendment and withdrawal of proposed rule.

SUMMARY: NMFS announces that it has disapproved a revised part of Amendment 5 to the Northeast Multispecies Fishery Management Plan that would exempt vessels fishing in only state waters from some of the winter flounder fishing regulations, and is therefore withdrawing the proposed rule for this revised portion of the FMP amendment. NMFS determined that analyses supporting the revised part of Amendment 5 were inadequate to assess its effects, and that its enforcement costs would likely outweigh the benefits.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Management Specialist, 508/281-9252.

SUPPLEMENTARY INFORMATION: On May 13, 1994, NMFS published proposed regulations (59 FR 25026) that would implement a revised part of Amendment 5 to the Northeast Multispecies Fishery Management Plan (FMP) to exempt vessels from some regulations for the winter flounder fishery, under certain conditions, if they are fishing only in state waters.

NMFS disapproved this revised part of Amendment 5 to the FMP on June 13, 1994, because the provision did not contain adequate environmental, biological, or cost-benefit analyses to assess the effects of the provision on the fishery and its environment. Also, the provision would be difficult to enforce at sea, as well as dockside; since the exemption would apply to a small segment of the fishery in state waters and NMFS' statistical data indicates that the majority of the fishery takes place in

Federal waters, the costs to enforce this provision would likely outweigh the benefits. The provision, therefore, would not be consistent with national standard 7 of the Magnuson Fishery Conservation and Management Act, which requires that conservation and management measures be practicable and minimize costs.

NMFS has requested that these issues be reassessed by the New England Fishery Management Council (Council) in concert with the Atlantic States Marine Fisheries Commission and the affected states. NMFS has offered assistance to the Council to resolve these issues, if the Council wishes to resubmit a revised version of this winter flounder exemption.

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

Dated: August 3, 1994.

Charles Karnella,

Acting Program Management Officer,
National Marine Fisheries Service.

[FR Doc. 94-19319 Filed 8-8-94; 8:45 am]

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50 CFR Part 663

[Docket No. 940617-4217; I.D. 032194D]

RIN No.: 0648-AF38

Pacific Coast Groundfish Fishery

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would revise groundfish trawl regulations and simplify the marking requirement for commercial vertical hook-and-line gear that is closely tended in the Pacific Coast Groundfish fishery. This proposed rule is intended to promote the goals and objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by enhancing the effectiveness of minimum mesh size regulations for trawl gear, making trawl gear requirements less likely to be circumvented, updating the regulations to be more consistent with changes in gear technology, and removing unnecessary burdens on the industry.

DATES: Comments must be received by September 8, 1994.

ADDRESSES: Comments may be mailed to J. Gary Smith, Acting Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115-170; or Rodney R. McInnis, Acting Director, Southwest Region, National

Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to this proposed rule has been compiled in aggregate form and is available for public review during business hours at the Office of the Director, Northwest Region, NMFS. Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) can be obtained from the Pacific Fishery Management Council, 2000 SW First Avenue, Suite 420, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, or Rodney R. McInnis at 310-980-4030.
SUPPLEMENTARY INFORMATION: NMFS is issuing a proposed rule based on a recommendation of the Pacific Fishery Management Council (Council), under the authority of the FMP and the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP provides a socio-economic framework procedure under which gear regulations may be changed without amendment to the FMP. This proposed rule would affect trawl gear and commercial vertical hook-and-line gear (also called Portuguese longline).

The proposed changes to the trawl regulations would: (1) Enhance the effectiveness of current trawl mesh-size requirements by applying the minimum mesh size to the entire net, rather than just the codend; (2) remove an unnecessary distinction between bottom trawls and roller trawls; (3) clarify the distinction between bottom and pelagic (mid-water) trawls and reduce the possibility that pelagic gear is fished on-bottom; and (4) revise the chafing gear requirements to make them more enforceable and effective. This proposed rule also would remove an unnecessarily burdensome gear-marking requirement on vessels using commercial vertical hook-and-line gear. Minor administrative changes to the gear regulations also are included.

The minimum mesh-size requirements apply only to the last 50 meshes of the trawl net. Prior to May 9, 1992, the minimum mesh size for roller trawl gear (bottom trawl gear with rollers or bobbins on the footrope of the net) was 3 inches (7.62 cm) in the Vancouver, Columbia, and Eureka subareas (north of 40°30' N. lat., near Pt. Arena, CA). On May 9, 1992, this minimum mesh size was increased to 4.5 inches (11.43 cm) (57 FR 12212, April 9, 1992). This change was made: (1) To reduce waste caused by discarding fish too small to market that were more likely to be caught in the 3-inch (7.62-cm) mesh; (2) to postpone the need for more restrictive trip limits until

later in the year; and (3) to increase long-term yield by reducing the harvest of juvenile groundfish. This change also made the minimum mesh size for bottom trawl and roller trawl gear uniform in the EEZ off Washington, Oregon, and California.

Almost immediately upon implementation, the Council heard testimony that the regulations were being circumvented by tying off the net ahead of the last 50 meshes, thereby taking advantage of smaller mesh that could legally be used in the intermediate mesh in front of the codend (called the "intermediate"). In July 1992, the Council convened its Legal Gear Committee of industry, state, Federal, and enforcement representatives to address this issue and to consider whether other changes to the gear requirements should be made. The Council again discussed gear changes in April 1993 and the draft EA was made available for public review in August 1993. The Council made its final recommendations, which appear in this proposed rule, at its September 1993 meeting in Portland, OR. The Council's recommendations are summarized below:

(1) *Apply the trawl minimum mesh size throughout the net.* Currently, the minimum mesh size applies to the last 50 meshes of the trawl net. This proposed rule would apply the minimum mesh size requirements throughout the net.

Trawl mesh size affects the species and numbers of small or unmarketable fish that are brought on board and subsequently discarded. Fish can escape a trawl net by swimming or wiggling through the meshes. Each species has a different body shape, size, swimming speed, and endurance, and each has different net avoidance habits. Thus, the size and shape of meshes directly affects which fish are captured and which are more likely to escape. Most of the capture, and a large portion of the escape, occur in the codend, the terminal portion of the net, and codend minimum mesh-size restrictions can be an effective method for controlling the harvest of both target and incidental species. Therefore, the minimum mesh-size regulations were applied only to the terminal 50 meshes in the net. The effect of mesh size in the intermediate portion of the net (forward of the codend) is less clear. However, when a net is designed or modified to capture and hold fish in a forward portion of the net, and that forward portion of the net has smaller mesh than the codend, the effectiveness of the codend minimum mesh size is compromised. A large percentage of the west coast trawl fleet