

Subpart G—Threatened Plants [Amended]

22. Section 17.72 is amended by revising paragraph (a) introductory text to read as follows:

§ 17.72 Permits—general.

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(a) *Application requirements.* An application for a permit under this section for native threatened species take and interstate commerce must be submitted to the Regional Director, U.S. Fish and Wildlife Service, Attention: Endangered/Threatened Species Permits, for the Region where the applicant resides or where the take is to occur (for appropriate address see 50 CFR 10.22), by the person wishing to engage in the prohibited activity. Applications for permits under this paragraph for prohibited activities with foreign species and import, export, and foreign commerce with native threatened species must be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 420c, Arlington, Virginia 22203, by the person wishing to engage in the prohibited activity. The permit for activities involving interstate commerce must be obtained by the seller if the plants are derived from cultivated stock, and by the buyer if the plants are taken from the wild. The application must be submitted on an official application form (Form 3-200) provided by the Service, or must contain the general information and certification required by § 13.12(a) of this subchapter. Requirements differ for the issuance of a permit for activities dealing with plants obtained from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. The applicant must provide in an attachment the following required information and any other information that is requested by the Director or Regional Director.

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Date: November 9, 1994.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

Editorial Note: This document was received at the Office of the Federal Register on August 29, 1995.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 950822210-5210-01; I.D. 081195A]

RIN 0648-AH94

Summer Flounder Fishery; Amendment 7

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement measures proposed in Amendment 7 to the Summer Flounder Fishery Management Plan (FMP). This amendment would revise the fishing mortality rate reduction schedule for summer flounder, with the intended effect of still rebuilding summer flounder stock abundance, while reducing short-term economic losses for participants in the fishery.

DATES: Comments on the proposed rule must be received on or before October 16, 1995.

ADDRESSES: Comments on the proposed rule should be sent to Dr. Andrew A. Rosenberg, Regional Director, National Marine Fisheries Service, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope "Comments on Summer Flounder Plan."

Copies of Amendment 7, the environmental assessment, and the regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Background

Amendment 7 was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the Atlantic States Marine Fisheries Commission (ASMFC) and the New England and South Atlantic Fishery Management Councils. A notice of availability for the proposed amendment was published in the **Federal Register** on August 17, 1995 (60 FR 42830). Copies of the amendment are

available from the Council upon request (see ADDRESSES). The amendment revises management of the summer flounder (*Paralichthys dentatus*) fishery pursuant to the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act).

The management unit continues to be summer flounder in U.S. waters in the western Atlantic Ocean from North Carolina northward. The objectives of the FMP are unchanged by this amendment: (1) Reduce fishing mortality in the summer flounder fishery to assure that overfishing does not occur; (2) reduce fishing mortality of immature summer flounder to increase spawning stock biomass; (3) improve the yield from the fishery; (4) promote compatible management regulations between state and Federal jurisdictions; (5) promote uniform and effective enforcement of regulations; and (6) minimize regulations to achieve the management objectives stated above.

The regulations implementing the FMP, and its amendments, enact a broad spectrum of measures to stop overfishing and allow the stock to rebuild. These measures include a fishing mortality rate (F) reduction schedule. The reduction schedule was set at F of 0.53 for 1993-95, and F_{max} (0.23) in 1996 and thereafter. F_{max} is the biological reference point that corresponds to the level of fishing mortality that produces the maximum yield per recruit. The schedule was developed and adopted by the Council and ASMFC after lengthy deliberations. It was deemed an appropriate balance between effective reduction in fishing mortality and short-term economic burdens placed on participants in the fishery.

The Council and ASMFC conducted analyses of the fishing mortality rate reduction schedules during the development of Amendment 2. This reduction in fishing mortality was to be accomplished through a combination of minimum mesh size and minimum fish size restrictions and a coastwide annual quota divided between the recreational and commercial fisheries. Based on these analyses, the Council believed that by the fourth year of the rebuilding schedule (1996), the level of rebuilding in the stock would offset any significant reductions in quota. That is, it was assumed that the stock growth from years 1 to 3 would be large enough, so that by 1996 the quota would not be significantly different from the 1995 level.

However, although the stock has rebuilt from its 1989 low level, it has not recovered to the extent projected. Lower than expected recruitment levels

in 1993 and redirected exploitation patterns on more ages-0 and -1 fish produced a higher F than expected. Thus, in order to reach the target F of 0.23 in 1996, given our current knowledge of stock abundance and age distribution, the resulting quota would be approximately 11 million lb (4,990 mt), or about a 50 percent reduction from the 1995 quota. Because of the magnitude of this reduction, and the resulting short-term losses to the industry, the Council and ASMFC initiated a re-examination of the fishing mortality rate reduction schedule for summer flounder.

This examination included analyses of the impacts of proposed changes on future spawning stock biomass (SSB) and recruitment success. Based on virtual population analysis (VPA) results, there is a near linear relationship between summer flounder SSB and recruitment. Thus, as SSB increases, recruitment should also increase. Lower levels of recruitment from 1983 to 1993 were associated with SSB estimates ranging from 11 to 33 million lb (4,990 to 14,969 mt). The SSB estimates above 33 million lb (14,969 mt) were associated with higher recruitment levels. With the proposed amendment, the SSB for 1996 is estimated at 46 million lb (20,865 mt). Thus, the chance of recruitment failure associated with this proposed regulation is minimal.

Amendment 7, if approved, would revise the fishing mortality rate by deferring attainment of F_{max} until 1998. This revision would allow for more stable landings from one year to the next. The change would alleviate short-term economic burdens on the industry, yet slow the rate of stock rebuilding only slightly. The Council and ASMFC have adopted the following strategy: The fishing mortality rate would be reduced from the 1995 target (0.53) to 0.41 in 1996, 0.3 in 1997, and F_{max} in

1998 and beyond. In addition, the amendment specifies that the quota for 1996 and 1997 could not exceed 18.51 million lb (8,396 mt). This cap on the quota could result in an F in 1996 and 1997 lower than 0.41 and 0.3, respectively, but would not exceed these values. A quota level above the cap could be set in 1996 or 1997, but only if the resulting quota had an associated F of 0.23.

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended, requires NMFS to publish regulations proposed by a Council within 15 days of receipt of the amendment and proposed regulations. At this time, NMFS has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. NMFS, in making that determination, will take into account the information, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

NMFS prepared an initial regulatory flexibility analysis (IRFA) as a supplement to the regulatory impact review prepared by the Council, which describes the economic impacts this proposed rule would have on small entities, if adopted. Compared to the projected ex-vessel revenues for the 1995 summer flounder commercial fishery, estimated ex-vessel revenues would be only 20.1% less in 1996 if Amendment 7 is implemented, whereas under the existing regulations, estimated 1996 ex-vessel revenues would be 48.5% less than those in 1995. Anticipated ex-vessel revenues for the commercial fishery would thus decrease less under Amendment 7 than they would under existing regulations, resulting in an economic benefit to the

fishery. Under Amendment 7, it is estimated that in 1996, an additional \$6.7 million in ex-vessel revenues will be available, compared to the status quo, for distribution among as many as 1,098 permitted vessels. Copies of the IRFA are available from NMFS (see ADDRESSES).

List of Subjects in 50 CFR Part 625

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 30, 1995.

Richard H. Schaefer,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 625 is proposed to be amended as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

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

2. In § 625.20, paragraph (a) introductory text is revised to read as follows:

§ 625.20 Catch quotas and other restrictions.

(a) *Annual review.* The Summer Flounder Monitoring Committee will review the following data on or before August 15 of each year to determine the allowable levels of fishing and other restrictions necessary to achieve a fishing mortality rate (F) of 0.53 in 1993 through 1995, 0.41 in 1996, 0.30 in 1997, and 0.23 in 1998 and thereafter, provided the allowable levels of fishing in 1996 and 1997 may not exceed 18.51 million lb (8,396 mt), unless such fishing levels have an associated F of 0.23:

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[FR Doc. 95-21947 Filed 8-30-95; 3:43 pm]

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