

Classification

The Assistant Administrator for Fisheries, NOAA (AA) has determined that this rule is not significant for purposes of Executive Order (E.O.) 12866.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

NMFS is designating only areas within the current range of these sea turtle species as critical habitat; therefore, this designation will not impose any additional requirements or economic effects upon small entities, beyond those which may accrue from section 7 of the ESA. Section 7 requires Federal agencies to insure that any action they carry out, authorize, or fund is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat (ESA § 7(a)(2)). The consultation requirements of section 7 are nondiscretionary and are effective at the time of species' listing. Therefore, Federal agencies must consult with NMFS and ensure their actions do not jeopardize a listed species, regardless of whether critical habitat is designated.

In the future, should NMFS determine that designation of habitat areas outside either species' current range is necessary for conservation and recovery, NMFS will analyze the incremental costs of that action and assess its potential impacts on small entities, as required by the Regulatory Flexibility Act.

Accordingly, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact of a substantial number of small entities, as described in the Regulatory Flexibility Act. No comments were received regarding this certification. As a result, no regulatory flexibility analysis was prepared.

NOAA Administrative Order 216-6 states that critical habitat designations under the ESA are categorically excluded from the requirement to prepare an EA or an environmental impact statement. However, in order to more clearly evaluate the impacts of the critical habitat designation, NMFS prepared an EA. Copies of the assessment are available upon request (see ADDRESSES).

References

The complete citations for the references used in this document can be

obtained by contacting Michelle Rogers, NMFS (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 226

Endangered and threatened species.

Dated: August 26, 1998.

Rolland A. Schmitt,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set forth in the preamble, 50 CFR part 226 is amended as follows:

PART 226—DESIGNATED CRITICAL HABITAT

1. The authority citation for part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

2. Sections 226.72 and 226.73 are added to subpart D to read as follows:

§ 226.72 Green Sea Turtle (*Chelonia mydas*).

(a) Culebra Island, Puerto Rico—Waters surrounding the island of Culebra from the mean high water line seaward to 3 nautical miles (5.6 km). These waters include Culebra's outlying Keys including Cayo Norte, Cayo Ballena, Cayos Geniqui, Isla Culebrita, Arrecife Culebrita, Cayo de Luis Peña, Las Hermanas, El Mono, Cayo Lobo, Cayo Lobito, Cayo Botijuela, Alcarraza, Los Gemelos, and Piedra Steven.

(b) [Reserved]

§ 226.73 Hawksbill Sea Turtle (*Eretmochelys imbricata*).

(a) Mona and Monito Islands, Puerto Rico—Waters surrounding the islands of Mona and Monito, from the mean high water line seaward to 3 nautical miles (5.6 km).

(b) [Reserved].

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980429110-8110-01; I.D. 081998A]

Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closures of the Ocean Recreational Salmon Fisheries From Cape Alava to Queets River, Washington, and Leadbetter Point, Washington, to Cape Falcon, Oregon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Closures; request for comments.

SUMMARY: NMFS announces the closures of the ocean recreational salmon fisheries from Cape Alava to Queets River, Washington, and Leadbetter Point, Washington, to Cape Falcon, Oregon, that were effective at midnight, August 9, 1998. This action was necessary to conform to the 1998 management measures and was intended to ensure conservation of coho and chinook salmon as well as to maximize the harvest of coho and chinook salmon without exceeding the ocean share allocated to the recreational fishery in these subareas.

DATES: Closures effective 2400 hours local time, August 9, 1998. Comments will be accepted through September 16, 1998.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115-0070. Information relevant to this document is available for public review during business hours at the same office.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206-526-6140.

SUPPLEMENTARY INFORMATION:

Regulations governing the ocean salmon fisheries at 50 CFR 660.409(a)(1) state that when a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, the Secretary will, by an inseason action issued under 50 CFR 660.411, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

In the 1998 management measures for ocean salmon fisheries (63 FR 24973, May 6, 1998), NMFS announced that the recreational fishery in the area from Cape Alava to Queets River opened for all salmon on August 3, 1998, through the earlier of September 24 or 600 coho subarea quota, with an inseason management guideline of 100 chinook, and Leadbetter Point to Cape Falcon opened for all salmon on August 3, 1998, through earlier of September 24, 1998, or 7,000 coho subarea quota, with an inseason management guideline of 1,050 chinook.

The best available information on August 7, 1998, indicated that the catch and effort data and projections

supported closure of the recreational fisheries in these subareas at midnight, August 9, 1998, in order to prevent the catch in each subarea from exceeding its subarea quota.

The projected catch for Cape Alava to Queets River, Washington through August 9, 1998, was 50–100 fish over the 600 coho quota. However, recreational representatives from the Queets River to Leadbetter Point, Washington subarea, whose coho quota had not been reached, agreed to a transfer of a portion of this subarea's allotment to cover any overage in the Cape Alava to Queets River 600 coho quota. After closure, the estimated catch reported through August 9, 1998, was 596 coho salmon, a transfer of quota unnecessary.

The estimated catch through August 9 for Leadbetter Point, Washington to Cape Falcon, Oregon was 6,109 fish compared to the 7,000 coho quota. The catch was close enough to the quota that all parties agreed not to add another day of fishing to capture the 891 coho

remaining in the quota because of the potential to exceed the 7,000 fish quota due to potential higher weekend fishing effort on August 9. There is the potential in this subarea for an extra day of fishing if the subarea to the north, Queets River to Leadbetter Point, Washington, does not meet its 7,400 coho quota. Any reopening will be announced through the inseason action procedure of the Coast Guard broadcast and telephone hotline listed here.

As required by 50 CFR 660.409(b), the Regional Administrator consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fish and Wildlife and the Oregon Department of Fish and Wildlife. The States of Washington and Oregon manage the recreational fisheries in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason action procedures of 50 CFR 660.411, actual notice to fishermen of these actions was given prior to 2400 hours local time,

August 9, 1998, for the closures by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to manage the fishery to achieve but not exceed the quota, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. This action does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

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

Dated: August 27, 1998.

Bruce Morehead,

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