Flexibility Act, there are 1,440 small business entities permitted for commercial coastal migratory pelagics fishing, and an additional 1,113 for-hire (charterboat and headboat) small business entities have permits. A majority of the commercial small business entities will receive insignificant positive benefits from the actions. The actions will not affect significantly for-hire small businesses. The only action affecting commercial revenues is the proposal to change the start date for the gillnet fishery. This change is expected to result in a slight increase in exvessel prices because the commercial catches will be spread more evenly over the year. None of the proposed actions would lead to increased compliance costs, so there are no differential small versus large entity impacts. In addition, there are no expected capital costs of compliance, and there are no additional requirements for bookkeeping or record keeping. Since the expected economic impacts are small and positive, there is no expectation that any of the small business entities comprising the universe will cease business if the actions are implemented.

As a result, a regulatory flexibility analysis was not prepared. Copies of the RIR are available (see **ADDRESSES**).

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: December 15, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.34, paragraph (m) is added to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(m) *Closures of the Gulf group king mackerel gillnet fishery.* The gillnet fishery for Gulf group king mackerel in or from the EEZ is closed each fishing year from July 1 until 6:00 a.m. on the day after the Martin Luther King Jr. Federal holiday, which is the third Monday in January. The gillnet fishery also is closed during all subsequent weekends and observed Federal holidays, except for the first weekend following the Martin Luther King Jr. holiday which will remain open to the gillnet fishery provided a notification of closure of that fishery has not been filed under § 622.43(a). Weekend closures are effective from 6:00 a.m. Saturday to 6:00 a.m. Monday. Holiday closures are effective from 6:00 a.m. on the observed Federal holiday to 6:00 a.m. the following day. All times are eastern standard time. During these closures, a person aboard a vessel using or possessing a gillnet with a stretched-mesh size of 4.75 inches (12.1 cm) or larger in the Florida west coast subzone may not fish for or possess Gulf group king mackerel.

3.In § 622.39, paragraph (c)(1)(iv) is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(c) * * *

(1) * * *

(iv) Gulf migratory group Spanish mackerel—15.

* * * * *

4. In § 622.42, paragraph (c)(2)(i) is revised to read as follows:

§ 622.42 Quotas.

* * * * *

(c) * * *

(2) * * *

(i) *Gulf migratory group.* The quota for the Gulf migratory group of Spanish mackerel is 5.187 million lb (2.353 million kg).

* * * * *

5. In § 622.44, paragraph (a)(2)(ii)(A)(*1*) is revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(a) * * *

(2) * * *

(ii) * * *

(A) * * *

(*1*) In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit with a gillnet endorsement has been issued, as required under § 622.4(a)(2)(ii), in amounts not exceeding 25,000 lb (11,340 kg) per day, provided the gillnet fishery for Gulf group king mackerel is not closed under § 622.34(m) or § 622.43(a).

* * * * *

[FR Doc. 99–32923 Filed 12-20-99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991210329–9329–01; I.D. 102699B]

RIN 0648–AM63

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Amendment 58 to Revise the Chinook Salmon Savings Areas

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 58 to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (BSAI) (FMP) and associated recommendations from the North Pacific Fishery Management Council (Council). Amendment 58 would establish a framework to allow NMFS to reduce the annual trawl bycatch limit for chinook salmon and it would revise the Chinook Salmon Savings Area (CHSSA) in the BSAI. This action is necessary to reduce chinook salmon bycatch and is intended to further the conservation and management objectives of the FMP.

DATES: Comments on the proposed rule must be received no later than February 4, 2000.

ADDRESSES: Comments may be sent to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. NMFS will not accept comments submitted by e-mail or the Internet. Copies of Amendment 58 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action may be obtained from the same address or by calling the Alaska Region, NMFS, at 907–586–7228.

FOR FURTHER INFORMATION CONTACT: Shane Capron, 907–586–7228 or shane.capron@noaa.gov

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the BSAI under the FMP. Regulations appearing at 50 CFR part 679 issued under authority of the Magnuson-

Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) implement the FMP. General regulations governing U.S. fisheries appear at 50 CFR part 600. The Council prepared the FMP under authority of the Magnuson-Stevens Act. The Council prepared Amendment 58 to the FMP primarily to reduce bycatch of chinook salmon by trawl fisheries in the BSAI. NMFS published a notice of availability for this amendment in the **Federal Register** at 64 FR 60157 on November 4, 1999, soliciting public comments on this amendment through January 3, 2000. Public comments that are received on that request for comments or in response to this notice of proposed rulemaking on or before January 3, 2000, will be considered in the approval/disapproval decision. Comments received after that date, but before the end of the comment period for this proposed rule, will not be considered in the approval-disapproval decision of the amendment, but will be considered in context of this proposed rule. The preamble of the final rule will contain a summary of the comments received, both on Amendment 58 and on the proposed rule. Copies of Amendment 58 are available upon request (see **ADDRESSES**).

Background

Trawl fisheries in the BSAI, particularly the midwater pollock fishery, incidentally catch chinook salmon, which is why Amendment 58 removes the PSC limit. Salmon are prohibited species in the BSAI groundfish fisheries. They cannot be retained and must be returned to the sea as soon as possible with a minimum of injury after they have been counted by a NMFS certified observer. However, the mortality rate for salmon caught in trawl fisheries is 100 percent as salmon cannot survive interception by trawl gear. Final regulations published on November 29, 1995 (60 FR 61215), effective January 1996, established annual prohibited species catch (PSC) limits for chinook salmon and specific seasonal no trawling zones in the CHSSA that are triggered when the limits are reached. These existing regulations prohibit trawling in the CHSSA through April 15 of each year once the bycatch limit of 48,000 chinook salmon, as specified in the FMP, is reached.

Chinook salmon bycatch in trawl fisheries reached a high in 1980, when foreign trawl vessels intercepted approximately 115,000 chinook salmon. Following Federal action to reduce bycatch in the trawl fisheries, the foreign fleet was constrained by a bycatch reduction schedule that reduced the allowable level each year from 65,000 chinook salmon in 1981 to 16,500 chinook salmon in 1986. Domestic vessels began fishing in the mid-1980s and bycatch numbers remained below 40,000 fish until 1993. From 1994 to 1998, most of the chinook salmon bycatch was within the area designated as the CHSSA. During this same period, the bycatch limit of 48,000 chinook salmon was exceeded four times, with a high of about 60,000 chinook salmon intercepted in 1998. Since 1996, when the CHSSA became effective, a PSC limit of 48,000 chinook salmon has been in place between January 1 and April 15 for vessels using trawl gear, with no restrictions on the amount of chinook salmon bycatch in the subsequent months.

Concern over chinook salmon bycatch in the groundfish trawl fisheries exists because incidental harvests reduce the amount of chinook salmon available for escapement and subsistence in commercial and recreational fisheries. Between 50 and 90 percent of the chinook salmon bycatch in the BSAI is estimated to originate in Western Alaska river systems. Minimum escapement goals for the Yukon River, Kuskokwim River, and portions of Bristol Bay are being met through careful management of directed fisheries by time, area, and gear restrictions. In addition, chinook salmon is one of the major food items of Native communities in Western and Interior Alaska and plays an important role in supporting the indigenous cultures and mixed, subsistence-cash socioeconomic systems of these peoples. Finally, commercial and recreational chinook salmon fishing provides a primary source of income for Western Alaska communities.

The Magnuson-Stevens Act emphasizes the importance of minimizing bycatch in achieving sustainable fisheries. National standard 9 mandates that conservation and management measures, to the extent practicable, (1) minimize bycatch and (2) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. In addition, section 303 of the Magnuson-Stevens Act was amended in 1996 to add bycatch reduction incentives as a discretionary provision of fishery management plans. This provision states that any fishery management plan may ''include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch'' (section 303(b)(10)).

To comply with these provisions of the Magnuson-Stevens Act, the Council emphasized the need for additional bycatch management measures during the 1997 call for proposals to reduce bycatch and bycatch rates. At its meeting in September 1997, the Council initiated development of an analysis to investigate lowering the chinook salmon bycatch limit in the BSAI. This proposal, submitted by the Yukon River Drainage Fisheries Association, identified the current bycatch trigger of 48,000 chinook salmon as too high to reduce chinook salmon bycatch effectively. Additionally, bycatch of chinook salmon after April 15 does not apply toward the PSC limit that triggers a closure.

At its meeting in February 1999, the Council considered this information and the analysis prepared by its staff and by staff from the Alaska Department of Fish and Game in support of this action and adopted Amendment 58 to the BSAI FMP to reduce chinook salmon bycatch in the BSAI. The Council considered five alternatives and recommended the combination of FMP and regulatory amendments that would: (1) Reduce the chinook salmon bycatch limit from 48,000 to 29,000 chinook salmon over a 4-year period, (2) implement year-round accounting of chinook salmon bycatch for the pollock fishery, beginning on January 1 of each year, (3) revise the boundaries defined by the CHSSA, and (4) set new CHSSA closure dates.

Elements of the Proposed Rule

Chinook Salmon Savings Areas

Currently, the CHSSA encompasses three non-contiguous areas of the BSAI comprising nine geographic blocks, each defined by 1/2° latitude by 1° longitude. These blocks are closed to all vessels using trawl gear through 1200 hours Alaska local time (A.l.t.) April 15 once an annual PSC limit of 48,000 chinook salmon is reached. Monitoring of incidental catches in the trawl fisheries begins on January 1. If closed, the CHSSA reopens 1200 hours A.l.t. April 15 for the remainder of the year, regardless of the amount of chinook salmon bycatch.

Analysis of 1994–1997 observer data indicated that the current boundaries of the CHSSA could be modified slightly to incorporate new regions of relatively high chinook bycatch. High rates of bycatch were found in the vicinity of the Pribilof Islands. However, bycatch within specific areas and years was not found to be consistent. Alternatively, the two-block component of the current

CHSSA, in the Pribilof Islands, has had low bycatch rates of chinook salmon since its inception in 1996. Hence, these two blocks would be removed from the CHSSA. Additionally, the new area near Unimak Island, which showed consistently high bycatch rates of chinook salmon, would be included in the revised CHSSA.

Progressive Reduction of the Chinook Salmon Bycatch Limit

This action would prohibit directed fishing for pollock by vessels using trawl gear within the CHSSA when NMFS determines that the bycatch limit for chinook salmon has been attained for each year according to the following schedule:

Year	Chinook Salmon Limit
2000	41,000
2001	37,000
2002	33,000
2003 and after	29,000

Accounting for the PSC limit would begin on January 1 and continue throughout the fishing year. Non-pollock fisheries, which account for about 10 percent of the trawl chinook salmon bycatch, would be exempt from the closure of the CHSSA, and any chinook salmon bycatch in those fisheries would not be counted toward the PSC limit.

Historically, the Pacific cod trawl fishery is the only non-pollock fishery that intercepts a significant amount of chinook salmon. This fishery has accounted for a consistent amount of bycatch, ranging from 5,000 to 7,000 chinook salmon per year, while the pollock fishery bycatch of chinook salmon has ranged from approximately 40,000 to 60,000 chinook salmon per year. The Council recommended the exemption of the Pacific cod fishery because the Pacific cod fishery has exhibited consistent and relatively low bycatch of chinook salmon (about 10 percent of the annual bycatch). The pollock fishery has intercepted about 90 percent of the annual chinook salmon bycatch and has also shown greater flexibility in reducing its bycatch of chinook salmon by altering its fishing patterns. For these reasons, the Council determined that a PSC limit would be most effective if applied in a relative amount to the pollock fishery only. The Council assumed that a bycatch limit of 29,000 chinook salmon for the pollock fishery would be in addition to about 7,000 chinook salmon intercepted annually by the Pacific cod fishery (for a total of about 36,000 chinook salmon taken as bycatch).

In the event the chinook salmon limit is triggered before April 15, the CHSSA would close immediately. The closure would be removed on April 15 (before the beginning of the second pollock season), but would be reinitiated on September 1 and continue through the end of the year. If the limit were reached after April 15, but before September 1, then the CHSSA would close on September 1. The date, September 1, was selected because analysis indicates that bycatch increases in the fall. If the limit were reached after September 1, the CHSSA would close immediately and not reopen until the following year on January 1.

Classification

This action has been determined to be not significant under E.O. 12866.

NMFS has prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. A copy of this analysis is available from NMFS (see **ADDRESSES**).

The proposed action would apply to the 138 fishing vessels in the pollock fishery. In 1997, 34 factory trawlers and 106 catcher vessels participated in the pollock fishery harvesting about 1.15 million mt of pollock, an ex-vessel value of about $227 million. Under the proposed rule, if a chinook salmon PSC limit were attained, all vessels would be prohibited from directed fishing for pollock within the CHSSA, and the proposed regulations could affect all 138 vessels, including CDQ vessels. However, the available pollock TAC would not be reduced; only the location of the catch would be restricted. Therefore, this action should not prevent these vessels' ability to harvest the entire amount, although pollock catch rates could decrease as a direct result of a CHSSA closure. During the summer months when chinook salmon bycatch has been historically very low, the CHSSA would be open for directed fishing even if the PSC limit has been previously attained. NMFS is not aware of any Federal regulations that duplicate this proposed rule. No new reporting, recordkeeping, or compliance requirements are imposed by this rule. NMFS designed this rule to minimize impacts on small entities. The rule would specifically target the pollock fishery, which is composed primarily of large entities and which historically has been responsible for the vast majority of chinook salmon bycatch in the BSAI. All other fisheries in the BSAI, many of which have a higher number and percentage of small entity participation, are exempt from the chinook salmon PSC limit and any trawling prohibitions that might result from attainment of a PSC limit. Chinook salmon bycaught in non-pollock fisheries also would not be counted toward the cap under the preferred alternative, which reduces the potential for behavior of non-pollock fisheries to adversely impact (small) pollock operations. NMFS considered the alternative of maintaining the status quo. Although maintaining the status quo might minimize impacts on small entities, it would not achieve the objectives of this action.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: December 15, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, the definition for *Chinook Salmon Savings Area of the BSAI* is revised to read as follows:

* * * * *

Chinook Salmon Savings Area of the BSAI (see § 679.21(e)(7)(viii)).

* * * * *

3. In § 679.7, paragraph (d)(9) is revised to read as follows:

§ 679.7 Prohibitions.

* * * * *

(d) * * *

(9) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest pollock CDQ in the Chinook Salmon Savings Area between January 1 and April 15, and between September 1 and December 31, after the CDQ group's chinook salmon PSQ is attained.

* * * * *

4. In § 679.21, paragraphs (e)(1)(vii) and (e)(7)(viii) are revised to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(e) * * *

(1) * * *

(vii) *Chinook salmon.* The trawl closures identified in paragraph (e)(7)(viii) of this section will take effect

when the Regional Administrator determines that the PSC limit of chinook salmon caught while harvesting pollock in the BSAI between January 1 and December 31 is attained according to the following amounts identified for each year:

Year	Chinook Salmon Limit
2000	41,000
2001	37,000
2002	33,000
2003 and after	29,000

* * * * *

(7) * * *

(viii) *Chinook salmon.* (A) *Closure.* If, during the fishing year, the Regional Administrator determines that catch of chinook salmon, by vessels using trawl gear while directed fishing for pollock in the BSAI, will reach the annual limit, as identified in paragraph (e)(1)(vii) of this section, NMFS, by notice in the **Federal Register** will close the Chinook Salmon Savings Area, as defined in Figure 8 to this part, to directed fishing for pollock with trawl gear consistent with the following dates:

(*1*) From the effective date of the closure notice until April 15, and from September 1 through December 31, if the Regional Administrator determines that the annual limit of chinook salmon will be attained before April 15.

(*2*) From September 1 through December 31, if the Regional Administrator determines that the annual limit of chinook salmon will be attained after April 15.

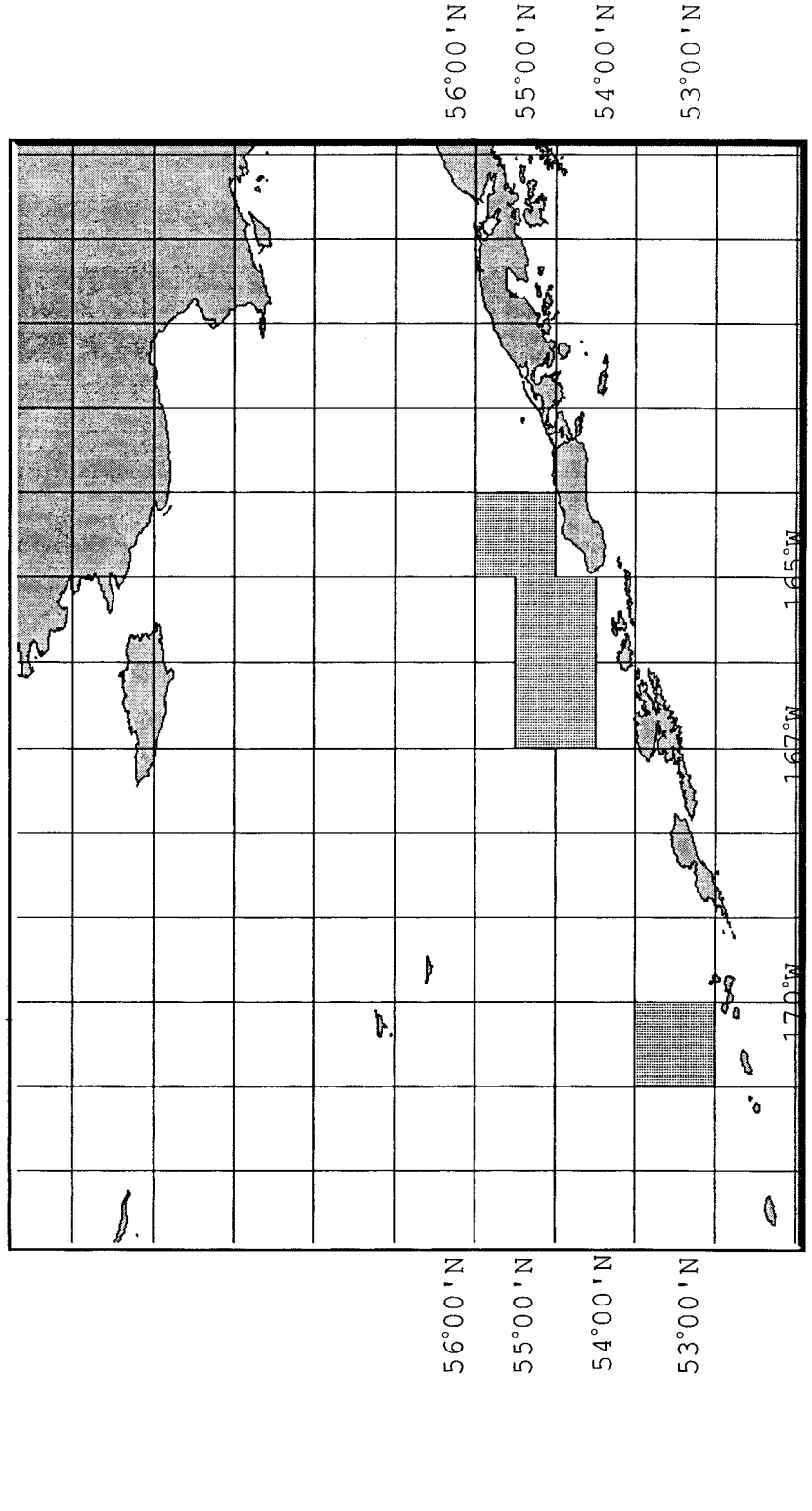
(B) [Reserved]

* * * * *

5. In part 679, Figure 8 is removed and Figure 8a and Figure 8b are added to read as follows:

BILLING CODE 3510–22–F

Figure 8a to part 679. Chinook Salmon Savings Areas of the BSAI a. Map



Chinook Salmon Savings Areas

Figure 8b.

The Chinook Salmon Savings Area as defined in the following two areas of the BSAI:

b. Coordinates

(1) The area defined by straight lines connecting the following coordinates in the order listed:

54° 00' N., 171° 00' W.;

54° 00' N., 170° 00' W.;

53° 00' N., 170° 00' W.;

53° 00' N., 171° 00' W.; and

54° 00' N., 171° 00' W.

(2) The area defined by straight lines connecting the following coordinates in the order listed:

56° 00' N., 165° 00' W.;

56° 00' N., 164° 00' W.;

55° 00' N., 164° 00' W.;

55° 00' N., 165° 00' W.;

54° 30' N., 165° 00' W.;

54° 30' N., 167° 00' W.;

55° 30' N., 167° 00' W.;

55° 30' N., 165° 00' W.; and

56° 00' N., 165° 00' W.

[FR Doc. 99–32926 Filed 12–20–99; 8:45 am]
BILLING CODE 3510–22–F