

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands (FMP). The rule (1) establishes a minimum harvestable size limit; (2) establishes harvest restrictions for egg-bearing spiny lobsters; (3) prohibits the taking of spiny lobsters by certain gear and methods; and (4) requires degradable panels on lobster traps. The regulations are designed to prevent overfishing and increase production of spiny lobsters.

EFFECTIVE DATE: January 1, 1985.

ADDRESSES: The final regulatory impact review/regulatory flexibility analysis may be obtained from Donald W. Geagan, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Don Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries initially approved the fishery management plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands on July 14, 1982, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Proposed regulations to implement the FMP, prepared by the Caribbean Fishery Management Council (Council), were published on September 3, 1982 (47 FR 38950). Comments on the FMP and proposed rule were invited through October 18, 1982.

Because the preponderance of the spiny lobster landings come from waters under the jurisdiction of Puerto Rico and the U.S. Virgin Islands, promulgation of this final rule has been withheld pending adoption of comparable regulations by the two local governments. Puerto Rico and the U.S. Virgin Islands have adopted similar regulations allowing implementation of this final rule. The effective date for this final rule is January 1, 1985, to coincide with the effective date of Puerto Rico's regulations. The U.S. Virgin Islands implemented compatible regulations on June 1, 1984, inside their territorial waters.

The preamble to the proposed rulemaking contained a description of the spiny lobster fishery, the condition of the stocks, the economic value of landings, and fishing practices within the commercial and recreational sectors. Also discussed in detail were problems in the fishery (i.e., increasing number of smaller lobsters in the landings and the decreasing average size indicating a

SPINY LOBSTER

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 645

[Docket No. 41156-4156]

Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands

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

trend towards overfishing, gear ownership conflicts between fishermen, and the need for adequate statistics for better management). These discussions are not repeated here.

In the proposed rulemaking, § 645.5—Recordkeeping and reporting requirements were reserved. This section will be reserved in the final rule, pending determination as to whether existing data collection systems can be expanded to obtain sufficient management information. If they cannot, a reporting system will be developed and implemented later.

Comments and Responses

Comments on the proposed rulemaking were received from the U.S. Coast Guard and one Puerto Rican fisherman.

Comment 1: The Coast Guard recommended § 645.6—Vessel and gear identification be changed to require that the official number and color code be displayed on an appropriate weather deck in addition to the port and starboard sides of the hull to facilitate at-sea enforcement. Also, the Coast Guard recommended that the official number be at least 18 inches high for vessels over 65 feet long, and 10 inches high for all other vessels over 25 feet long. All numerals should be in block Arabic form and on contrasting background. The color code should be displayed in the form of a circle with a diameter at least the height of the official number.

Response: The wording in § 645.6 has been changed in this final rule to include the Coast Guard's recommendation.

Comment 2: The Coast Guard suggested § 645.8—Facilitation of enforcement be modified by changing the wording in paragraph (d)—Signals to identify Channel 16, VHF-FM radio as the normal method of contact between the Coast Guard and fishermen.

Response: This section has been changed to reflect the most recent language as approved by the Coast Guard and published on March 15, 1984 (49 FR 9736). This standardized wording applies to all domestic fisheries.

Comment 3: One Puerto Rican fisherman commented to the effect that male lobsters should be exempted from the size limitation since they do not "reproduce," and the prohibition of their harvest would create an unnecessary economic burden.

Response: To take full advantage of the period of most rapid growth, a size limit of 3.5 inches carapace length (CL) is necessary. Harvesting male lobsters less than this size would reduce the total market value and continue the problem of declining average size of lobsters in

the catch. At this time no data has been found that indicate the maturation size of males is different from that of females, or determines the effects of sex ratios on the total population. Therefore, this restriction is implemented as proposed.

Changes From the Proposed Rule

The final rule differs from the proposed rule for the reasons discussed above.

Section 645.1. This section has been modified to clarify the purpose of the FMP to manage the domestic spiny lobster fishery.

Section 645.8(c). Provisions for the disposition of unidentified or abandoned traps have been included to facilitate enforcement of the regulations.

Section 645.8. This section has been changed to the most recent standardized language for facilitation of enforcement procedures.

Classification

The Assistant Administrator determined that the FMP is necessary for the conservation and management of the spiny lobster fishery of Puerto Rico and the U.S. Virgin Islands and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared a final environmental impact statement for this FMP; notice of availability was published on August 19, 1983 (48 FR 37702).

The Administrator, NOAA, determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. Summary published at 47 FR 38948, September 3, 1982.

The Council prepared a final regulatory flexibility analysis which describes the effects this rule will have on small entities. You may obtain a copy of this analysis from the address listed above.

This rule contains collection of information requirements for purposes of the Paperwork Reduction Act at § 645.4—Permits and § 645.6—Vessel and gear identification. A request to collect this information has been submitted to the Office of Management and Budget for approval. Most spiny lobster vessel permits will be issued by Puerto Rico and the U.S. Virgin Islands and it is anticipated that fewer than ten applications will be submitted for Federal permits.

The Council determined that this rule does not directly affect the coastal zone of any state with an approved coastal zone management program.

Part of the 30-day delay in implementation required by the

Administrative Procedures Act is waived so that the final rule can be in place on January 1, 1985, to coincide with the adoption of comparable regulations by Puerto Rico. If no regulation is in place for the FCZ, Puerto Rico will experience difficulty in enforcing its new regulations. Furthermore, the adoption of the new regulations by Puerto Rico has been widely publicized among fishermen. Therefore, delay in the implementation of corresponding Federal regulations for a full 30-day period would be impracticable and not in the public interest.

List of Subjects in 50 CFR Part 645

Fish, Fisheries, Fishing.

Dated: December 19, 1984.

Carmen J. Bloodin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, Chapter VI of 50 CFR is amended by adding a new Part 645 to read as follows:

PART 645—SPINY LOBSTER FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Subpart A—General Provisions

Sec.

- 645.1 Purpose and scope.
- 645.2 Definitions.
- 645.3 Relation to other laws.
- 645.4 Permits.
- 645.5 Recordkeeping and reporting requirements. (Reserved)
- 645.6 Vessel and gear identification.
- 645.7 Prohibitions.
- 645.8 Facilitation of enforcement.
- 645.9 Penalties.

Subpart B—Management Measures

- 645.20 Harvest limitations.
- 645.21 Size limitations.
- 645.22 Gear limitations
- 645.23 Specifically authorized activities.

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

Subpart A—General Provisions

§ 645.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands prepared by the Caribbean Fishery Management Council under the Magnuson Act.

(b) This part regulates domestic fishing for spiny lobster within that portion of the fishery conservation zone (FCZ) surrounding Puerto Rico and the U.S. Virgin Islands. For Puerto Rico the inner boundary of the FCZ is nine nautical miles from the baseline used to

measure the territorial sea; for the U.S. Virgin Islands it is three nautical miles.

§ 645.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part have the following meanings:

Authorized officer means

(a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which

has entered into an agreement with the Secretary of Commerce and the Commandant of the U.S. Coast Guard to enforce the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Berried lobster means an egg-bearing lobster.

Carapace length (CL) means a head-length measurement taken from the orbital notch inside the orbital spine, in a line parallel to the lateral rostral sulcus, to the posterior margin of the cephalothorax (figure 1).

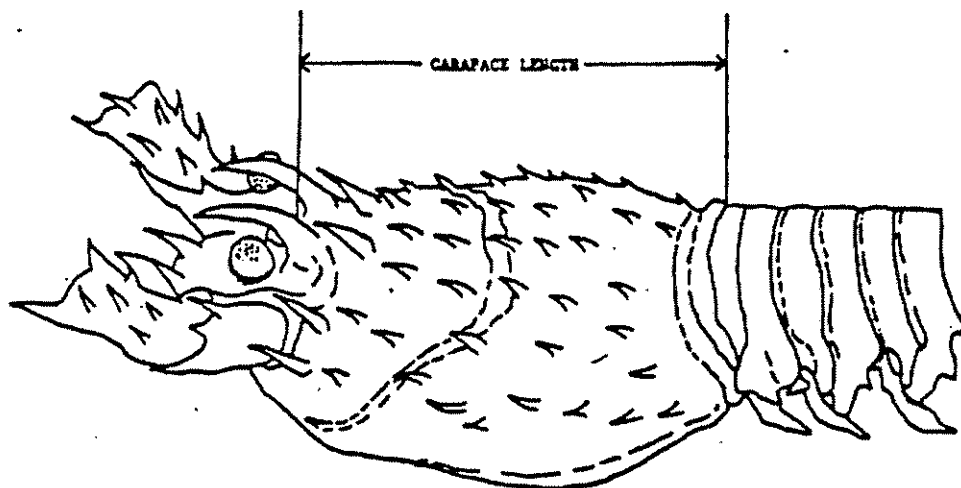


Figure 1 Method of Measuring Carapace Length

Fish means the spiny lobster, *Panulirus argus*.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity

described in paragraph (a), (b), or (c) of this definition.

Fishing gear means seines, nets, pots, traps, and use of hands.

Fishing vessel means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Management area means that portion of the FCZ adjacent to the waters under the jurisdiction of the U.S. Virgin Islands and Puerto Rico.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*).

Official number means the documentation number issued by the U.S. Coast Guard, or the registration

number issued by a State or the U.S. Coast Guard for undocumented vessels.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time or voyage;

(c) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Regional Director means the Regional Director, Southeast Region, Duval Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone 813-893-3141, or a designee.

Secretary means the Secretary of Commerce or a designee.

Spiny lobster means *Panulirus argus*.

State includes the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

U.S. fish processors means facilities located within the United States for, and vessels of the United States used or equipped for, the processing of fish for commercial use or consumption.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated by a fishery management plan or preliminary fishery management plan implemented under the Magnuson Act.

Vessel of the United States means:

(a) Any vessel documented under the laws of the United States;

(b) Any vessel numbered in accordance with the Federal Boat Safety Act of 1971 and measuring less than five net tons; or

(c) Any vessel numbered under the Federal Boat Safety Act of 1971 and used exclusively for pleasure.

§ 645.3 Relation to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) Certain responsibilities relating to data collection and enforcement may be performed by authorized State personnel under a cooperative agreement entered into by the State, the U.S. Coast Guard, and the Secretary.

§ 645.4 Permits.

(a) *General.* A vessel in the spiny lobster fishery must possess a valid fishing permit and color code issued by the Regional Director, unless the vessel possesses a valid fishing permit and color code issued by the Government of Puerto Rico or the Government of the Virgin Islands.

(b) *Application to the Regional Director.* (1) An application for a Federal permit and color code must be submitted to the Regional Director 45 days prior to the date on which the applicant desires receipt of the permit and color code.

(2) Each application must contain the following information:

- (i) The applicant's name, mailing address, and telephone number;
- (ii) The name and length of the vessel;
- (iii) The vessel's official number; and
- (iv) The vessel's radio call sign.

(c) *Fees.* No fee is required for a permit or color code issued by the Regional Director under this part.

§ 645.5 Recordkeeping and reporting requirements. [Reserved]

§ 645.6 Vessel and gear identification.

(a) *Vessel identification.* Each fishing vessel subject to this part must display its official number and color code issued with the vessel's permit on the port and starboard sides of the deckhouse or hull. In addition, each vessel over 25 feet long must display its official number and color code on an appropriate weather deck. All official numbers and color codes must be displayed permanently and conspicuously so as to be readily identifiable from the air and water. The number must contrast with the background and be in block Arabic numerals at least 18 inches high for vessels over 85 feet long, at least 10 inches high for vessels over 25 feet long, and at least 3 inches high for vessels 25 feet long or smaller. The color code representation must be in the form of a circle of a diameter not less than the height of the numerals or, in the case of a 3-inch high numerals, in the form of a strip not less than 3 inches high and 18 inches long.

(b) *Duties of operator.* The operator of each fishing vessel subject to this part must (1) Keep the markings displaying the official number and color code clearly legible and in good repair; and (2) Insure that no part of the vessel, its rigging or its fishing gear obstructs the

view of the official number and color code from an enforcement vessel or aircraft.

(c) *Gear identification.* (1) All traps, pots, and buoys used in the spiny lobster fishery must be marked and identified as follows:

(i) Buoys affixed to traps and pots must bear the number and color code specified with the vessel's permit. The identification number must be legible and at least 3 inches high on each buoy.

(ii) Traps and pots must bear the number specified with the vessel's permit. The number must be legible and at least 3 inches high, or as high as the widest available space if such space is less than 3 inches wide. As an alternative, the number may be stamped on a plate of non-corrosive metal or plastic and securely affixed to the trap or pot.

(2) Spiny lobster traps, pots, and buoys fished in the FCZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to spiny lobster traps which are lost or sold if the owner of such traps reports in writing the loss or sale within 15 days to the Regional Director, the Government of Puerto Rico, or the Government of the U.S. Virgin Islands, whichever entity issued the vessel's permit.

(3) Unmarked spiny lobster traps deployed in the FCZ are illegal and may be disposed of in any appropriate manner by the Secretary or the Secretary's designee (including an authorized officer). Lines and buoys are considered part of the trap. If owners of the unmarked traps can be ascertained, those owners remain subject to appropriate civil penalties.

§ 645.7 Prohibitions.

It is unlawful for any person to—

(a) Falsify or fail to affix and maintain gear and vessel markings as required by § 645.6;

(b) Fail to comply immediately with enforcement and boarding procedures specified in § 645.8;

(c) Retain on board or possess on land any berried spiny lobster, as specified in § 645.20(a)(1);

(d) Strip eggs from or otherwise molest any berried spiny lobster as specified in § 645.20(a)(2);

(e) Willfully tend, pull, open, or otherwise molest another person's traps except as provided in § 645.20(b);

(f) Possess in the FCZ any spiny lobster with a carapace length less than the minimum size limit specified in § 645.21(a) except as allowed in § 645.21(b);

(g) Possess spiny lobster tails separated from the carapace before they

have been landed, as specified in § 645.21(c);

(h) Use traps without degradable panels, or use prohibited gear or methods, as specified in § 645.22;

(i) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, land or export any spiny lobsters taken or retained in violation of the Magnuson Act, this part, any permit issued under this part, or any other regulation or permit issued under the Magnuson Act;

(j) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation or permit issued under the Magnuson Act;

(k) Forcibly assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (j) of this section;

(l) Resist a lawful arrest for any act prohibited by this part;

(m) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this part;

(n) Transfer directly or indirectly, or attempt to so transfer, any U.S.-harvested spiny lobsters to any foreign fishing vessel, while such vessel is in the FCZ, unless the foreign fishing vessel has been issued a permit under section 204 of the Magnuson Act which authorizes the receipt by such vessel of U.S.-harvested spiny lobsters; or

(o) Violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

§ 645.8 Facilitation of enforcement.

(a) *General.* The operator of, or any other person aboard any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable) and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF-FM of high frequency radiotelephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as a signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must—

(1) Guard Channel 16, VHF-FM if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these

signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (·—·—)¹ is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radio-telephone or by illuminating the vessel's identification.

(2) "RY-CY" (·—·—·—·—·—·—) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (... —·—·—·—) means "you should stop or heave to; I am going to board you."

(4) "L" (·—·) means "you should stop your vessel instantly."

§ 645.9 Penalties.

Any person or fishing vessel found to be in violation of this part is subject to the civil and criminal penalty provisions and forfeiture provisions of the Magnuson Act, and 15 CFR Part 904 (Civil Procedures) and other applicable law.

Subpart B—Management Measures

§ 645.20 Harvest limitations.

(a) *Berried lobsters.* (1) Berried spiny lobsters must be returned to the water unharmed. Berried lobsters may be retained in traps or pots as attractants until the eggs are shed provided the traps are returned to the water and not retained on the vessel or landed.

(2) Berried spiny lobsters may not be stripped, scraped, shaved, clipped, or in any other manner molested, in order to remove the eggs.

(b) *Pulling traps.* Traps may be pulled, tended, or opened only aboard the owner's vessel, unless the boat tending another person's traps has on board written consent of the trap owner or the

owner is on board with his or her permit. This restriction is not applicable to authorized officers.

§ 645.21 Size limitations.

(a) Spiny lobsters with a carapace length of less than 3.5 inches (89 millimeters) must be returned immediately to the water unharmed.

(b) Spiny lobsters with a carapace length less than the 3.5-inch minimum sized limit may be used as "attractants" in traps or pots, but may not be retained on the vessel or landed.

(c) Spiny lobsters must remain whole prior to landing at shoreside. Tails may not be separated from the carapace before the spiny lobsters have been landed.

§ 645.22 Gear limitations.

(a) *Degradable panel.* All traps or pots used for fishing in the FCZ must contain on any vertical side or on the top an opening no smaller in diameter than the throat or entrance of the trap or pot. The opening may be covered either by degradable netting made of any of the materials listed below, or by a cover made of any material and fastened to the fish trap or pot with any of the materials listed below:

(1) Untreated fiber of biological origin not more than three millimeters (approximately 1/8") maximum diameter; this includes, but is not limited to tyre palm, hemp, jute, cotton, wool or silk.

(2) Non-galvanized black iron wire not more than 1/8 inch (approximately 1.59 millimeters in diameter); that is, 16 gauge wire.

(b) *Prohibited gear or methods.* Spiny lobsters may not be taken with:

(1) Explosives, poisons, drugs or other chemicals; or

(2) Spears, hooks, or similar devices. The possession of a speared, pierced, or punctured spiny lobster is *prima facie* evidence of violation of this section.

§ 645.23 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities that are otherwise prohibited by these regulations.

[FR Doc. 84-33527 Filed 12-21-84; 8:45 am]

BILLING CODE 3310-22-M

¹ (·) means a short flash of light.

² (—) means a long flash of light.

Federal Communications Commission.
Charles Schott,
Chief, Policy and Rules Division, Mass Media
Bureau.
[FR Doc. 85-730 Filed 1-9-85; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 645

[Docket No. 41156-4156]

**Spiny Lobster Fishery of Puerto Rico
and the U.S. Virgin Islands**

Correction

In FR Doc. 84-33527 beginning on page
50049 in the issue of Wednesday,
December 26, 1984, make the following
correction:

§ 645.8 [Corrected]

On page 50053, in § 645.8(d)(2), first
line, the Morse Code for "Ry-Cy" should
read as follows: (-. --- -. ---)

BILLING CODE 1906-01-M

for the use of the applicant. The instrument and accessory were made by the same manufacturer. The National Institutes of Health advises in its memorandum dated February 21, 1991 that the accessory is pertinent to the intended uses and that it knows of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff,
[FR Doc. 91-9811 Filed 4-24-91; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands

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

ACTION: Notice of approval of an amendment to a fishery management plan.

SUMMARY: NOAA announces approval of Amendment 1 to the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands (FMP). Amendment 1 adds to the FMP (1) a scientifically measurable definition of overfishing for the spiny lobster resource and a rebuilding plan should overfishing occur, (2) a section on vessel safety, and (3) an extensive description of the habitat. Amendment 1 conforms the FMP with the revised national standard guidelines for fishery management plans and with the Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended.

EFFECTIVE DATE: April 19, 1991.

FOR FURTHER INFORMATION CONTACT: William R. Turner, 813-893-3722.

SUPPLEMENTARY INFORMATION: The spiny lobster fishery of Puerto Rico and the U.S. Virgin Islands is managed under the FMP, prepared by the Caribbean Fishery Management Council (Council), and its implementing regulations at 50 CFR part 645 under the authority of the Magnuson Act. In accordance with the national standard guidelines and as required by an amendment to the Magnuson Act, Amendment 1 adds to the FMP a scientifically measurable definition of overfishing and an action plan to arrest overfishing should it occur, adds to the FMP a section on vessel safety considerations, and revises the section of habitat of significance to the fishery.

Amendment 1 was submitted by the Council on January 23, 1991. A notice of availability of Amendment 1 and request for comments was published in the Federal Register on February 6, 1991 (56 FR 4790). No comments were received.

Under the FMP, as revised by Amendment 1, overfishing exists when the reproductive potential drops below 20 percent of that which would be available in the absence of fishing mortality. If the spawning potential ratio drops below the 20 percent level, the Council will submit a regulatory amendment to implement one or more of the following actions: Establish a seasonal closure; increase the minimum carapace length; limit the use of short lobsters as attractants; require escape gaps in traps; reduce the number of traps; or establish closed areas.

Further information on the definition of overfishing, the action plan when overfishing occurs, vessel safety considerations in the fishery, and habitat of significance to the fishery are contained in Amendment 1.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determined that Amendment 1 is necessary for the conservation and management of the spiny lobster fishery of Puerto Rico and the U.S. Virgin Islands and that it is consistent with the Magnuson Act and other applicable law.

Since Amendment 1 has no implementing regulations, preparation of and conclusions based on a regulatory impact review (RIR) and a regulatory flexibility analysis (RFA), normally required by E.O. 12291 and the Regulatory Flexibility Act, are not required. It should be noted, however, that each future action initiated under the action plan to arrest overfishing, established in Amendment 1, will be accompanied by an RIR and, if such action will have a significant economic impact on a substantial number of small entities, an RFA.

As part of Amendment 1, the Council prepared an environmental assessment (EA). Based on the EA, the Assistant Administrator concluded that there will be no significant adverse impact on the human environment as a result of Amendment 1.

The Council determined that Amendment 1 is consistent to the maximum extent practicable with the approved coastal zone management programs of Puerto Rico and the U.S. Virgin Islands. This determination was submitted for review by the responsible state agencies under section 307 of the

Coastal Zone Management Act. Neither state agency responded during the statutory time period; therefore, state agency agreement with the consistency determination is inferred.

Amendment 1 does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Amendment 1 does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

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

Dated: April 19, 1991.

Samuel W. McKoen,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 91-9803 Filed 4-24-91; 8:45 am]

BILLING CODE 3510-22-M

Emergency Striped Bass Research Study; Meeting

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

SUMMARY: NMFS and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss progress on the Emergency Striped Bass Research Study, as authorized by the amended Anadromous Fish Conservation Act (Pub. L. 96-118).

DATES: The meeting will convene on Thursday, June 13, 1991, at 10:00 a.m., and will adjourn at approximately 3:00 p.m. The meeting is open to the public.

ADDRESSES: Department of Commerce, NOAA, Conference Room 4246, Silver Spring Metro Center #2, 1325 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: David G. Deuel, Office of Fisheries Conservation and Management, NMFS, 1335 East-West Highway, Silver Spring, MD 20910. Telephone: (301) 427-2347.

Dated: April 22, 1991.

David S. Crestin

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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[910493-1093]

Information Relating to Bowhead Whales

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

ACTION: Notice of availability of documents and request for public comment.