

dependent on king and Spanish mackerel.

**EFFECTIVE DATE:** November 21, 1994.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-570-5306.

**SUPPLEMENTARY INFORMATION:** The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642.

In accordance with the framework procedure of the FMP, the Councils recommended, and NMFS published, a proposed rule to change certain management measures applicable to the Atlantic groups of king and Spanish mackerel and Gulf group king mackerel (59 FR 40509, August 9, 1994). That proposed rule (1) described the FMP framework procedures through which the Councils recommended the changes, (2) specified the recommended changes, and (3) described the need and rationale for the recommended changes. Those descriptions are not repeated here.

No comments were received on the proposed rule.

#### Partial Disapproval

The Director, Southeast Region, NMFS, concurs that the Councils' recommendations are necessary to protect the stocks and prevent overfishing and that they are consistent with the objectives of the FMP, the Magnuson Act, and other applicable law, except for one of the recommendations. For the Florida west coast sub-zone, the Councils recommended a reduction in the daily trip limits for king mackerel, applicable to fishing with run-around gillnets, when 90 percent of the quota is reached. The trip limits were to be reduced from 25,000 lb (11,340 kg) to 15,000 lb (6,804 kg). NMFS finds that a reduction of the trip limits at that time would be impractical because the remaining 10 percent of the quota (43,250 lb (19,618 kg)) could be exceeded by the trip-limit landings of three vessels. If a substantial number of the 15 vessels expected to be in the gillnet fishery in that sub-zone were to make one trip under the reduced trip limits, the quota would be significantly exceeded before the fishery could be closed. A measure that increases the likelihood of a quota overrun would be inconsistent with national standard 1, which requires that management measures prevent overfishing while achieving, on a continuing basis, the optimum yield from the fishery.

#### Changes from the Proposed Rule

For the reasons described above, the specification of reduced trip limits applicable to king mackerel harvested by run-around gillnets in the Florida west coast sub-zone is removed and references to the removed paragraph are corrected.

#### Classification

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

The Deputy General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. The reasons were published in the proposed rule (59 FR 40509, August 9, 1994). 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: October 14, 1994.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 642 is 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.*

#### § 642.7 [Amended]

2. In § 642.7(s), the reference to “§ 642.28(b)(1)(ii)” is removed and the reference “§ 642.28(b)(1)” is added in its place.

#### § 642.25 [Amended]

3. In § 642.25, in paragraph (a)(2), the numbers “3.90” and “1.77” are removed and the numbers “3.71” and “1.68”, respectively, are added in their place; in paragraph (b)(2), the numbers “4.50” and “2.04” are removed and the numbers “4.60” and “2.09”, respectively, are added in their place.

#### § 642.27 [Amended]

4. In § 642.27, in paragraph (b) the numbers “4.25” and “1.93” are removed and the numbers “4.35” and “1.97”, respectively, are added in their place.

5. In § 642.28, in paragraphs (a)(1) and (a)(2), the words “50 percent” are removed and the words “75 percent” are added in their place; and paragraphs

#### 50 CFR Part 642

[Docket No. 940710-4292; I.D. 062894A]

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

**ACTION:** Final rule.

**SUMMARY:** In accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Coastal Migratory Pelagic Resources (FMP), NMFS changes the total allowable catch for the Atlantic groups of king and Spanish mackerel and changes the commercial vessel trip limits for Gulf group king mackerel. The intended effect is to protect king and Spanish mackerel from overfishing and continue stock rebuilding programs while still allowing catches by important recreational and commercial fisheries

(b)(1) and (c) are 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, from July 1, each fishing year, 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 25,000 lb (11,340 kg) per day.

\* \* \* \* \*

(c) *Notice of trip limit changes.* The Assistant Administrator, by filing a document with the Office of the Federal Register, will effect the trip limit change specified in paragraph (a) of this section when the requisite harvest level has been reached or is projected to be reached.

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