

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Mullins City Hall, 151 Northeast Front Street, Mullins, South Carolina.

Send comments to Mr. J. C. Richardson, Mullins City Administrator, P.O. Box 408, Mullins, South Carolina 29574.

Virginia	Rappahannock County (Unincorporated Areas).	Thornton River	At State Route 620	None	*593
			Approximately 1.7 miles upstream of State Route 667.	None	*960
		North Fork Thornton River	At confluence with Thornton River	None	*635
			Approximately 1,500 feet upstream of State Route 600.	None	*755

Maps available for inspection at the Rappahannock County Administration and Zoning Office, 290 Gay Street, Washington, Virginia.

Send comments to Mr. John McCarthy, Rappahannock County Administrator, P.O. Box 519, Washington, Virginia 22747.

Wisconsin	Oconto County (Unincorporated Areas).	Pensaukee River	At U.S. Route 41	None	*596
			Approximately 0.96 mile downstream of confluence of Spring Creek.	None	*635
		Brookside Creek	At the confluence with Pensaukee River	*606	*607
			Approximately 750 feet downstream of Moody Road.	*606	*607

Maps available for inspection at the Oconto County Land and Water Resources-Zoning Division, 301 Washington Street, Oconto, Wisconsin.

Send comments to Mr. Kevin Hamann, Oconto County Administrative Coordinator, Oconto County Courthouse, 301 Washington Street, Oconto, Wisconsin 54153.

Wisconsin	Westfield (Village), Marquette County.	Westfield Creek	Approximately 400 feet downstream of U.S. Route 51.	*839	*840
			Approximately 75 feet downstream of Spring Street Branch/Dam.	*841	*843

Maps available for inspection at the Westfield Village Hall, 124 East Third Street, Westfield, Wisconsin.

Send comments to Ms. Frances L. Demke, President of the Village of Westfield, 124 East Third Street, Westfield, Wisconsin 53964.

◆ Elevation in meters, Mean Sea Level.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: October 9, 1997.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 97-27708 Filed 10-17-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 971015246-7246-01; I.D. 100897D]

RIN 0648-AK44

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries

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

ACTION: Proposed specifications for the 1998 summer flounder, scup, and black sea bass fisheries; request for comments.

SUMMARY: NMFS proposes specifications for 1998 for summer flounder, scup, and

black sea bass. The implementing regulations for these fisheries require NMFS to publish specifications for the upcoming fishing year and to provide an opportunity for public comment. The intent of these measures is to reduce fishing effort on summer flounder, scup, and black sea bass and to continue rebuilding stock abundance of these species.

DATES: Public comments must be received on or before November 17, 1997.

ADDRESSES: Copies of supporting documents used by the Summer Flounder, Scup, and Black Sea Bass Monitoring Committees and of the Environmental Assessment (EA), Regulatory Impact Review, and the Initial Regulatory Flexibility Analysis (IRFA) are available from: David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790.

Comments on the proposed specifications should be sent to: Andrew A. Rosenberg, Ph.D., Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments—1998 Summer Flounder,

Scup, and Black Sea Bass Specifications."

FOR FURTHER INFORMATION CONTACT:

Regina L. Spallone, Fishery Policy Analyst, (978) 281-9221.

SUPPLEMENTARY INFORMATION:

Background

The regulations implementing the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) outline the process for specifying annually the allowed catch limits for both commercial and recreational fisheries, as well as other management measures (e.g., mesh requirements, minimum fish sizes) for these fisheries. These measures are specified to attain annual targets (either a fishing mortality rate or an exploitation rate) specified for each species in the FMP.

A Monitoring Committee for each species, with members from NMFS, the Atlantic States Marine Fisheries Commission (Commission), and both the Mid-Atlantic Fishery Management Council (Council) and New England Fishery Management Council, are required to conduct a review of available information and to recommend catch specifications and other management measures necessary

to achieve the target fishing mortality (F) or exploitation rate for each fishery, as specified in the FMP. The Council's Demersal Species Committee and the Commission's Summer Flounder, Scup, and Black Sea Bass Board (Board) then consider the Monitoring Committee recommendations and any public comment in making their recommendations. The Council and Board made their annual recommendations at a joint meeting held September 23–25, 1997.

Summer Flounder

The target F specified in the FMP for 1998 is 0.24, the level of fishing that produces maximum yield per recruit, F_{\max} . Summer flounder was most recently assessed at SAW–25 (August 1997). SAW–25 indicates that the FMP measures have not yet reduced F below 1.0 and recommended that, in light of the FMP target, total allowable landings (TAL) should be no more than 13.889 million lb (6.30 million kg) (a commercial quota of 8.333 million lb (3.80 million kg), and a recreational harvest limit of 5.556 million lb (2.52 million kg)). In addition, SAW–25 recommended that additional measures should be considered to minimize commercial and recreational discard mortality. The Council's staff and Monitoring Committee both recommended adopting the SAW recommendation (13.889 million lb; 6.30 million kg) for 1998. This level represents a 25-percent reduction from the initial 1997 TAL of 18.518 million lb (8.40 million kg), but a 12-percent reduction from the actual 1997 allowed harvest of 15.8 million lb (7.17 million kg) after deduction of commercial overages in 1996.

The Council and Board reviewed the Committee's recommendation and voted instead to recommend a 1998 TAL equal to the 1997 level (18.518 million lb (8.40 million kg): 11.11 million lb (5.04 million kg) commercial quota; 7.4 million lb (3.36 million kg) recreational harvest limit). SAW–25 estimated that this proposed TAL has a 50-percent probability of resulting in $F = 0.34$.

The Council and Board also took action to address the SAW–25 concerns about discards by specifying that 15 percent of the commercial quota will be set aside by the states for a bycatch fishery. Since the FMP does not specifically include a provision for such an allocation, the measure must be enacted by the states. Therefore, the Board adopted motions to make it mandatory for the states to implement the bycatch set aside, and to implement trip limits with the objective of keeping the fishery open all year; these measures

will be Commission compliance criteria. The Council and Board also voted to retain the existing commercial minimum fish size (14 inches (35.6 cm)) and to continue the Small Mesh Exemption program.

NMFS believes that the bycatch allocation is a serious attempt to address discards, and is, in effect, a 15-percent reduction in the commercial quota allocated to the directed fishery. The bycatch quota allocation will extend the season and will reduce waste in the fishery.

The Council submission notes several factors that it believes will increase the probability that a 1998 TAL equal to the 1997 level has a reasonable likelihood of attaining F_{\max} : (1) A new retrospective pattern in the assessment that shows for terminal year 1994, the stock size was underestimated, and for 1994 and 1995 the fishing mortality was overestimated; (2) the quota overages in 1997 will result in reductions to the allowed commercial landings in 1998; (3) the reductions in mortality anticipated from measures to reduce discard in the commercial fishery (and planned future hook specifications to reduce discard in the recreational fishery); and (4) the fact that the SAW–25 projections are very dependent upon the recruitment estimate for 1996, which may be underestimated.

NMFS agrees that the first three of these factors are valid points to support the Council recommendation. SAW–25 notes that the retrospective pattern for 1994–95 alters the pattern noted in the last assessment. SAW–25 concluded that the reversal in terminal year F estimates may be due to improved accuracy of catch estimates in 1995 and 1996, more accurate indices of stock size due to revised aging, and improved monitoring and estimation of discards. There is no reason to expect that these factors will change and, in fact, NMFS agrees that there have been substantive improvements in quota monitoring and prevention of quota overages over the past year. Therefore, this pattern is likely to hold for 1996 estimates. A greater stock size in 1996 would increase the projected stock size in 1998, which means more fish being available for harvest at a given F. This, in turn, increases the probability that the proposed TAL of 18.518 million lb (8.4 million kg) would achieve F_{\max} in 1998.

Based on landings to date, the Council estimates that there will be a quota overage in 1997 of 166,935 lb (75,720 kg), or 1.05 percent, if there is no further late reporting during 1997 and all states are closed with no additional overages. The Council believes that the reduction

in the final 1998 TAL due to overages, will also contribute to increasing the probability in achieving F_{\max} .

The Council believes that the 15 percent quota set-aside for bycatch fisheries will reduce discards of sublegal fish as well as reduce regulatory discards as the result of landing limits in the states. A decrease in the amount of discards would increase the likelihood that the target F would be achieved in 1998, i.e., summer flounder that had been discarded dead would now be landed and apply to the quota reducing the amount of fish killed by commercial fishers. Projected discard levels for 1998 are 1.76 million lb (0.80 million kg) in the commercial and recreational fisheries. In addition, states would be required to implement programs to collect additional data on discards in the commercial fishery. The Commission voted to make these two requirements mandatory compliance measures for the states. As such, the states are required to submit plans to meet these requirements so that the plans are approved before the beginning of the 1998 commercial fishery.

In addition, the Council anticipates that Amendment 10 will be approved, the measure requiring the minimum mesh size throughout the net will be implemented mid-year and reductions in F on sublegal fish will result. The Council also intends to advocate for a recreational hook specification that will reduce recreational discard and discard mortality. Among other comments concerning discards, SAW–25 recommended that there should be additional measures to reduce discard mortality. The measures noted above are efforts to address these comments. These measures also will improve the probability of attaining F_{\max} .

NMFS does not rely strongly on the Council's feeling that recruitment for 1996 is underestimated. Raising this as a factor in supporting the TAL does not comply with NMFS policy, which is to be cautious in the face of uncertainty. The Council explains its rationale in its EA. However, there is little information at this time to confirm that recruitment for 1996 is underestimated. At the September 1997 Council meeting, some state representatives indicated preliminary results from young-of-the-year surveys might indicate better than average recruitment. The surveys, for the most part, were still underway. Consequently, the results are inconclusive. The commercial quotas by state for 1998 are presented in Table 1.

TABLE 1.—1998 STATE COMMERCIAL QUOTAS (PROPOSED)

State	Share (percent)	1998 quota (percent)	1998 quota (kg)*
ME	0.04756	5,284	2,397
NH	0.00046	51	23
MA	6.82046	757,841	343,751
RI	15.68298	1,742,583	790,422
CT	2.25708	250,791	113,757
NY	7.64699	849,680	385,408
NJ	16.72499	1,858,363	842,939
DE	0.01779	1,977	897
MD	2.03910	226,570	102,770
VA	21.31676	2,368,569	1,074,365
NC	27.44584	3,049,589	1,383,270
Total		11,111,298	5,039,999

* Any differences expressed in the conversion of pounds to kilograms are due to rounding.

Scup

The target exploitation rate for scup in 1998 is 47 percent, the rate associated with $F = 0.72$. The FMP establishes a total allowable catch (TAC) that is allocated to commercial (78 percent) and recreational (22 percent) sectors. Discard estimates are deducted from both TACs to establish TAL for both sectors.

Scup was most recently assessed in SAW-25 (1997). The assessment indicates that F has been above 1.0 for the period 1984–96. SAW-25 examined 1996 total catch and estimated that a 34-percent reduction from that exploitation level would result in a TAC of 7.275 million lb (3.30 million kg), which would likely reduce F below 1.0. The staff recommended establishing the TAC at that level. The Monitoring Committee recommended that the Council should set the TAC no higher than that level and should also consider a further reduction.

The Council and Board adopted the recommendation for a TAC of 7.275

million lb (3.30 million kg). The resulting commercial TAC is 5.675 million lb (2.57 million kg). Both groups debated two ways to calculate the commercial discard estimate: Employing the same discard estimate used in the 1997 specifications (1.103 million lb; 0.50 million kg), or using an amount based on the ratio of 1996 estimated landings to discards (2.048 million lb; 0.93 million kg). In making its recommendations last year, the Council and Board reviewed discard estimates based on fishery data and reduced those estimates to reflect anticipated reductions in discards associated with the implementation of the minimum mesh and minimum fish restrictions under emergency regulation in March 27, 1996 (61 FR 13452).

The Council and Board decided to also use the 1997 discard estimate for the 1998 specifications. They chose not to use the estimate based on 1996 data because it reflects discards that occurred in the first quarter of the year, prior to the emergency measures. The deduction of the resulting discard allowance of

1.103 million lb (0.50 million kg) from the commercial TAC of 5.675 million lb (2.57 million kg) results in a 1998 proposed commercial quota of 4.572 million lb (2.07 million kg). This quota represents a 24-percent reduction from the 1997 commercial quota of 6.0 million lb (2.72 million kg).

The Council and Board adopted a 20,000-lb (9,072-kg) trip limit in the Winter I period, which is to decrease to 1,000 lb (454 kg) when 85 percent of the Winter I quota is harvested, and an 8,000-lb (3,629-kg) trip limit throughout the Winter II period. They retained the 4.5-inch (2.0-cm) codend, the threshold limits to trigger the minimum mesh size, and the minimum fish size. They also maintained for 1998 the same ratio of recreational landings to discards as in 1997. The resulting recreational harvest limit is 1.553 million lb (0.70 million kg) —a TAC of 1.6 million lb (0.73 million kg) minus a discard estimate of 0.048 million lb (0.02 million kg). The quota allocated to the periods is shown in Table 2.

TABLE 2.—PERIOD ALLOCATIONS OF COMMERCIAL SCUP QUOTA

Period	Percent	TAC ¹	2Discards ²	Quota Allocation	
				(LB)	(KG) ³
Winter I	45.11	2,559,992	497,563	2,062,429	935,502
Summer	38.95	2,210,413	429,619	1,780,794	807,755
Winter II	15.94	904,595	175,818	728,777	330,568
Total	100.00	5,675,000	1,103,000	4,572,000	2,073,824

¹ Total Allowable Catch, in pounds.

² Discard estimates, in pounds.

³ Kilograms are as converted from pounds.

The 1998 commercial quota for the summer period (1,780,794 lb; 807,755 kg) apportioned among the states according to the percentage shares specified in § 648.120(d)(3) is presented in Table 3.

TABLE 3.—SUMMER PERIOD (MAY-OCTOBER) COMMERCIAL SCUP QUOTA SHARES

State	Share (percent)	1998 Allocation	
		(LB)	(KG) ¹
Maine	0.13042	2,322	1,053
New Hampshire	0.00004	1	0
Massachusetts	15.49117	275,866	125,131
Rhode Island	60.56588	1,078,554	489,224
Connecticut	3.39884	60,526	27,454
New York	17.05295	303,678	137,746
New Jersey	3.14307	55,972	25,388
Delaware	0.00000	0	0
Maryland	0.01288	229	104
Virginia	0.17787	3,167	1,437
North Carolina	0.02688	479	217
Total	100.00000	1,780,794	807,755

¹ Kilograms are as converted from pounds and do not add to the converted total due to rounding.

Black Sea Bass

The FMP specifies a target exploitation rate of 48 percent for 1998, equivalent to $F = 0.73$. This target is to be attained through specification of a TAL level that is allocated to the commercial (49 percent) and recreational (51 percent) sectors; 1998 is the first year that a TAL has been specified. The commercial quota is specified on a coastwide basis by quarter.

Black sea bass was also assessed at SAW-25, which estimated that F has generally exceeded 1.0 for the period 1984–96. SAW-25 examined 1996 total catch and estimated that a 33-percent reduction in landings from the 1996 level (9 million lb; 4.08 million kg) would be necessary to reduce F below 1.0. The staff recommended adopting the TAL associated with the 33-percent

reduction, 6.173 million lb (2.80 million kg), for 1998. The Monitoring Committee recommended that the TAL should be no higher than the staff recommendation, but that the Council should consider a lower TAL because it would be more likely to achieve the target exploitation rate.

The Council and Commission adopted the recommendation for a TAL of 6.173 million lb (2.80 million kg) for 1998. This TAL results in a commercial quota of 3.025 million lb (1.37 million kg) and a recreational harvest limit of 3.148 million lb (1.43 million kg). The following trip limits were recommended for all commercial gear types: 11,000 lb (4,990 kg) in Quarter 1 (Q1), 7,000 lb (3,175 kg) in Q2, 3,000 lb (1,361 kg) in Q3, and 4,000 lb (1,814 kg) in Q4. The Council and Board also recommended an increase in the minimum fish size to 10 inches (25.4 cm), consistent with

measures being implemented by the Commission and proposed by the South Atlantic Fishery Management Council. Additionally, the Council proposes to increase the possession limit threshold that would trigger minimum mesh size requirements from 100 lb (45.4 kg) to 1,000 lb (453.6 kg).

The Council submission demonstrates that these proposed measures are likely to attain the FMP target. Although the stock size is uncertain and a 1998 stock size was not projected, exploratory results indicate that stock size is stable or has increased in recent years. If that is the case, a 33-percent reduction in landings from the 1996 level should achieve the target exploitation rate. The TAL will control mortality on fully recruited, older fish. The minimum size and gear regulations will reduce discard and escape mortality of undersized black sea bass.

TABLE 4.—1998 BLACK SEA BASS PROPOSED QUARTERLY COASTWIDE QUOTAS AND QUARTERLY TRIP LIMITS

Quarter	Percent (%)	Pounds	(kg) ¹	Trip limits	
				(lbs)	(kg)
1 (Jan–Mar)	38.64	2,385,247	1,081,930	11,000	4,990
2 (Apr–May)	29.26	1,806,220	819,288	7,000	3,175
3 (Jul–Sep)	12.33	761,131	345,243	3,000	1,361
4 (Oct–Dec)	19.77	1,220,402	553,565	4,000	1,814

¹ Kilograms are as converted from pounds and do not add to the converted total due to rounding.

NMFS requests public comments on all of the proposed specification measures. NMFS also requests, in particular, comments concerning the utility of the proposed black sea bass trip limits. The Council and Board examined data that demonstrated that the recommended trip limits impact only 5 percent of the trips in this fishery. NMFS questions whether the effectiveness of these trip limits justifies the expenses of enforcement.

Classification

This action is authorized by 50 CFR part 648 and complies with the National Environmental Policy Act.

These proposed specifications have been determined to be not significant for purposes of E.O. 12866.

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 this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. As explained below, this certification is based on an assessment of this action under NMFS' long-standing Regulatory Flexibility Act guidelines. However, while not required to do so, given that understanding the economic impact of this rule is important, NMFS prepared an IRFA that describes the impact this

proposed rule, if adopted, would have on small entities.

According to unpublished NMFS weigout data (Maine to Virginia, CT not included) 715 commercial vessels landed summer flounder, 548 landed scup, and 665 landed black sea bass in 1996. In Connecticut, in 1996, 65 commercial vessels landed summer flounder, 81 landed scup, and 52 landed black sea bass (Mark Alexander pers. comm.). NMFS permit files indicate that, as of October 01, 1997, there were 519, 380, and 243 party/charter firms holding current summer flounder, scup, and black sea bass recreational permits, respectively. Most firms are likely to hold permits for more than one of these species, and a more accurate estimate of the total number of commercial vessels impacted is 1,022, the number of vessels that landed one or more of these species in 1996. All these vessels readily fall within the definition of small business, so according to guidelines on regulatory analysis of fishery management actions, a substantial number of small entities are affected to some extent by this action. Of these 1,022 vessels, 140 (13%) would be estimated to have a greater than a 5 percent revenue loss.

NMFS Regulatory Flexibility Act guidelines establish 20 percent of small entities being impacted in a significant manner by a particular regulatory action as constituting a substantial number of small entities. This action does not meet that threshold.

These three fisheries have been under management for several years, and while existing requirements are modified by this action, there are no new compliance requirements. Therefore, the action does not result in an increase in compliance costs of > 10 percent for 20 percent or more of the participants. Since the most severe cumulative impact projected for this action is a 30–35 percent reduction in revenue for 7 vessels (<1 percent of participants), the action would not result in 2 percent of the entities ceasing operations.

The IRFA indicates that, while small entities may be impacted by this action

in a significant manner, the proposed regulatory action will not result in significant economic impacts upon a substantial number of such entities. However, we recognize that the number of small entities that would be significantly impacted is a large, though not substantial, number. This fact led the agency to prepare an IRFA though none was required.

These measures are proposed in order to attain the rebuilding objectives specified in the FMP for summer flounder, scup and black sea bass. The negative economic impacts upon small entities in the immediate future will be offset by the future increases in harvest and associated revenues anticipated from eliminating overfishing and rebuilding a healthy stock.

The Council considered several alternatives to each of these proposed measures. These alternatives to the proposed rule were ultimately rejected by the Council since those measures which significantly minimized economic impact on small entities did not accomplish the rebuilding objectives of the FMP for each species, and those that did accomplish those objectives did not minimize impacts on small entities. The Council adopted the measures proposed here as those measures which achieved a balance for both. A copy of this analysis is available from NMFS (see ADDRESSES).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 16, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.14, paragraph (u)(1) is revised to read as follows:

§ 648.14 Prohibitions.

* * * * *

(u) * * *

(1) Possess 1,000 lb (453.6 kg) or more of black sea bass, unless the vessel meets the minimum mesh requirement specified in § 648.144(a).

* * * * *

3. In § 648.143, the first sentence of paragraph (a) is revised to read as follows:

§ 648.143 Minimum sizes.

(a) The minimum size for black sea bass is 10 inches (25.4 cm) total length for all vessels issued a moratorium permit under § 648.4(a)(7) which fish for or retain black sea bass in or from U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, North Carolina, northward to the U.S.-Canada border.

* * *

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4. In § 648.144, paragraph (a)(1)(i) is revised to read as follows:

§ 648.144 Gear restrictions.

(a) * * *

(1) * * * (i) Other trawlers whose owners are issued a black sea bass moratorium permit and that land or possess 1,000 lb or more (453.6 kg or more) of black sea bass per trip, must fish with nets that have a minimum mesh size of 4.0-inches (10.2-cm) diamond or 3.5-inches (8.9-cm) square (inside measure) mesh applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, for codends with less than 75 meshes, the minimum-mesh-size codend must be a minimum of one-third of the net, measured from the terminus of the codend to the center of the head rope, excluding any turtle excluder device extension.

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