

Endangered Species Act of 1973, as amended. After the close of the comment period on May 22, 1998, the Service received a report titled "Translocation and inventory of northern Idaho ground squirrels in 1998," a video seminar on the genetics and population structure of the northern Idaho ground squirrel presented by Drs. Tom Gavin and Paul Sherman, an "Amended Environmental Assessment of the Council-Cuprum Road," a draft plan titled "Habitat restoration plan for the northern Idaho ground squirrel," and meeting notes from two northern Idaho ground squirrel working group meetings.

The Service reviewed the status of the species under the five factors described in section 4(a)(1) and concluded that little is known about the historic range of the northern Idaho ground squirrel, but the population of this subspecies has declined significantly since 1985. The estimated total population in 1985 was about 5,000 animals but by 1998, the total population of this subspecies had declined to about 700 individuals. This subspecies is known from 21 sites in Adams and Valley Counties, Idaho. It is primarily threatened by habitat loss due to seral forest encroachment into former suitable meadow habitats. Seral forest encroachment results in habitat fragmentation, isolating northern Idaho ground squirrel sites from each other. This eliminates any genetic exchange or replenishment of sites should one population site decline and another one has a surplus of individuals. The northern Idaho ground squirrel is also threatened by competition from the larger Columbian ground squirrel (*Spermophilus columbianus*), land use changes, recreational shooting and naturally occurring events. A conservation agreement (Agreement) was finalized in July of 1996 between the Service and the Payette National Forest. Duration of the Agreement is 5 years. The Agreement identifies conservation and land management actions that will provide habitat favorable to the northern Idaho ground squirrel. A relocation plan developed by scientists from Cornell University, Ithaca, New York and Albertson College, Caldwell, Idaho was initiated in the spring of 1997. These ongoing conservation efforts for the northern Idaho ground squirrel address threats that have likely contributed to the species decline.

Public Comments Solicited

The previous comment period on this proposed rule closed on May 22, 1998. Written comments must be submitted to the Service office identified in the

ADDRESSES section above. All comments must be received before the close of the comment period to be considered.

Author: The author of this notice is Rich Howard, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service, Snake River Basin Office (see Addresses section).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 6, 1998.

Bill Shake,

Acting Regional Director.

[FR Doc. 98-27324 Filed 10-20-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981014259-8259-01; I.D. 101498B]

RIN 0648-AL74

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 1999 summer flounder, scup, and black sea bass fisheries; request for comments.

SUMMARY: NMFS proposes specifications for the 1999 summer flounder, scup, and black sea bass fisheries. The implementing regulations for the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP) require NMFS to publish specifications for the upcoming fishing year for each fishery and to provide an opportunity for public comment. The intent of these measures is to address overfishing of the summer flounder, scup, and black sea bass resources.

DATES: Public comments must be received on or before November 16, 1998.

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 (RIR)/Initial Regulatory Flexibility Analysis (IRFA) are available from: Jon C. Rittgers, Acting Regional Administrator, National Marine Fisheries Service, One

Blackburn Drive, Gloucester, MA 01930-2298.

Comments on the proposed specifications should be sent to: Jon C. Rittgers, Acting Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298. Mark on the outside of the envelope, "Comments—1999 Summer Flounder, Scup, and Black Sea Bass Specifications."

FOR FURTHER INFORMATION CONTACT: Mary M. Grim, Fishery Management Specialist, (978) 281-9326.

SUPPLEMENTARY INFORMATION:

Background

The regulations implementing the FMP outline the process for specifying annually the catch limits for the commercial and recreational fisheries, as well as other management measures (e.g., mesh requirements, minimum fish sizes) for these fisheries. These measures are intended to achieve the annual targets (either a fishing mortality rate or an exploitation rate) set forth for each species in the FMP.

A Monitoring Committee for each species, made up of members from NMFS, the Atlantic States Marine Fisheries Commission (Commission), and both the Mid-Atlantic and New England Fishery Management Councils, is required to review available information and recommend catch limits and other management measures necessary to achieve the target fishing mortality rate (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 Mid-Atlantic Fishery Management Council (Council) and Board made their annual recommendations at a joint meeting held August 17-20, 1998.

Summer Flounder

The target F specified in the FMP for 1999 is 0.24, the level of fishing that produces maximum yield per recruit, F_{max}. The total allowable landings (TAL) associated with the target F is allocated 60 percent to the commercial and 40 percent to the recreational sectors. NMFS did not conduct a stock assessment for summer flounder in 1998. As a result, the Council and Board considered 1999 projection results based on assessments from the 25th Stock Assessment Workshop (SAW 25), 1997 survey indices, and 1997 catch data.

The Summer Flounder Monitoring Committee reviewed the stock status projections based on these data and made recommendations to achieve the target F. The Monitoring Committee recommended a TAL limit of 14.645 million lb (6.642 million kg) which would be divided 8.787 million lb (3.985 million kg) to the commercial sector and 5.858 million lb (2.657 million kg) to the recreational sector.

The Council and Board reviewed this recommendation and did not adopt it. Instead the Council and Board recommended a TAL level of 20.20 million lb (9.16 million kg) which would be divided 12.12 million lb (5.50 million kg) to the commercial sector and 8.08 million lb (3.66 million kg) to the recreational sector. The Council and Board also recommended that 15 percent of the 1998 commercial allocation, 1.67 million lb (0.76 million kg) plus the additional poundage in excess of the 1998 TAL level of 1.01 million lb (0.46 million kg), be allocated as a bycatch fishery where summer flounder on board could not exceed 10 percent by weight of other species on board for any trip under the bycatch allocation. With this additional provision, 2.68 million lb (1.22 million kg) or 22 percent of the commercial TAL would be allocated to bycatch fisheries, with the remaining poundage, 9.44 million lb (4.28 million kg), allocated for directed fishing.

The Council and Board recommended these specifications for several reasons. They were concerned over the lack of a peer-reviewed stock assessment in 1998 and their belief that the 1999 stock size estimate in the current projection is underestimated. SAW-25 indicated a retrospective pattern in which the 1995 estimate of stock size was underestimated and the fishing mortality overestimated. The Council and Board concluded that this pattern will continue.

Additionally, the Council and Board were uncertain about the estimate of recruitment in 1997. While preliminary analysis indicates that recruitment was

below average in 1997, the Council and Board note that previous assessment results have also indicated low recruitment levels that increased with additional analysis in later years.

Also, a recently adopted mesh provision requiring 5.5 inch (13.97 cm) mesh throughout the body, codend, and extensions of net became effective in June 1998, and its benefits have not yet been analyzed. The Council and Board feel that this provision will substantially reduce discard and discard mortality.

NMFS has reviewed the Council's and Board's recommendation and finds that it is unacceptably risk-prone for the summer flounder stock for a number of reasons. The recommended TAL has an unacceptably low probability of 3 percent of achieving the target F of 0.24 in 1999. Further, the recommended TAL has a 50-percent probability of achieving an F of 0.36, an F significantly higher than the target specified in the FMP. These probabilities are based on the TAL level alone, but even with the recommended measures to address commercial bycatch, NMFS does not believe achievement of the target is likely. With respect to the Council's and Board's concern regarding recruitment uncertainty, further analysis show that estimates of recruitment decrease from good to average to poor based on additional data from later years.

Further, while the retrospective pattern in 1995 indicated that the F in the terminal year of the Virtual Population Analysis (VPA) had been overestimated and biomass underestimated, that pattern does not comport with a historical review of the previous assessments. Projections in prior years have underestimated F and overestimated stock sizes. The unpredictable variability of the retrospective pattern merits caution in predicting future patterns.

Finally, the Council and Board have yet to specify a harvest level that has achieved the annual target F, variability in the VPA retrospective analysis notwithstanding. Given all of these concerns, NMFS is proposing

specifications for the 1999 summer flounder fishery different from those recommended by the Council and Board.

NMFS proposes a TAL for 1999 of 18.518 million lb to be divided 11.11 million lb (5.039 million kg) to the commercial sector and 7.41 million lb (3.361 million kg) to the recreational sectors. While this TAL is the same level specified in 1998, NMFS proposes two measures to address discards in this fishery that should further reduce the overall mortality. First, NMFS proposes to set the directed commercial fishery TAL equal to the commercial share (60 percent) of the Monitoring Committee's TAL recommendation (8.79 million lb; 3.99 million kg), with a 15-percent set aside for bycatch (1.32 million lb; 0.60 million kg). Second, NMFS proposes to use the commercial poundage associated with the difference between this TAL and 18.518 million lb (8,400 mt) as a bycatch allocation (2.32 million lb; 1.05 million kg). These provisions would bring the total bycatch allocation to 32.7 percent of the total commercial TAL, versus 22 percent under the Council's and Board's recommendation. The allocation to the directed fishery would be 7.47 million lb (3.39 million kg), compared to 9.44 million lb (4.28 million kg) under the Council's and Board's recommendation. In accordance with Commission compliance criteria already adopted, state bycatch measures would specify: (1) That the states allocate bycatch reserves and (2) that summer flounder may be caught only if the summer flounder on board does not exceed 10 percent by weight of all other species on board for any trip under the bycatch allocation. This recommendation is similar to the Council's and Board's recommendation, only using NMFS's proposed lower harvest levels. NMFS proposes to set the recreational harvest limit equal to the 1998 harvest limit of 7.41 million lb (3.361 million kg).

The commercial quotas by state for 1999 are presented in Table 1.

TABLE 1.—1999 STATE COMMERCIAL QUOTAS

State	Percent share	Directed		Bycatch		Total	
		Lb	KG ¹	Lb	KG ¹	Lb	KG ¹
ME	0.04756	3,552	1,611	1,732	786	5,285	2,397
NH	0.00046	34	15	17	8	51	23
MA	6.82046	509,427	231,072	248,414	112,678	757,842	343,751
RI	15.68298	1,171,379	531,329	571,204	259,094	1,741,583	789,968
CT	2.25708	168,584	76,468	82,207	37,288	250,791	113,757
NY	7.64699	571,162	259,075	278,518	126,334	849,680	385,408
NJ	16.72499	1,249,207	566,630	608,156	275,855	1,858,363	842,939
DE	0.01779	1,329	603	648	294	1,977	897
MD	2.03910	152,303	69,083	74,268	33,687	226,570	102,770

TABLE 1.—1999 STATE COMMERCIAL QUOTAS—Continued

State	Percent share	Directed		Bycatch		Total	
		Lb	KG ¹	Lb	KG ¹	Lb	KG ¹
VA	21.31676	1,592,172	722,197	775,397	351,714	2,368,569	1,074,365
NC	27.44584	2,049,959	929,846	998,630	425,970	3,049,589	1,383,270
Total	100.00000	7,468,107	3,387,476	3,642,191	1,652,070	11,111,191	5,039,951

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

Scup

The FMP established a target exploitation rate for scup in 1999 of 47 percent, the rate associated with an F of 0.72. The total allowable catch (TAC) associated with that rate is allocated 78 percent to the commercial sector and 22 percent to the recreational sector. Discard estimates are deducted from both TACs to establish TALs for both sectors.

The most recent assessment on scup, completed in June 1998 as part of the 27th Stock Assessment Workshop (SAW 27), indicates that scup are over-exploited and at a low biomass level. SAW 27 concluded that “current indices of spawning stock biomass are at record lows and less than one-tenth of the maximum Northeast Fisheries Science Center (NEFSC) indices of spawning stock biomass (SSB) observed during 1977–1979.”

SAW 27 did not recommend a TAC for 1999; however, it did recommend “that the 1999 TAC be less than that in 1998 to at least remain on the current fishing mortality reduction schedule.” To estimate the level of landings that would comply with this advice, the Council staff developed a relative exploitation index based on landings and on the NEFSC Spring Survey (SSB 3-year average) to assess current levels of mortality. SAW 19 (1995), the last stock assessment that estimated F, indicated a value in 1993 of 1.32 (an exploitation rate of 68 percent). Based on this level of mortality and the relative exploitation index, F in 1997 was estimated as 1.8 (an exploitation rate of 78 percent). Therefore, the

Council staff estimated that a 40-percent reduction from 1997 exploitation levels was necessary for the 1999 fishery. The Council and Board recommended that the TAC for 1999 be 5.92 million lb (2.69 million kg), 81 percent of the 1998 TAC of 7.275 million lb (3.30 million kg). Based on a TAC of 5.92 million lb (2.69 million kg), for 1999, 4.61 million lb (2.09 million kg) would be allocated to the commercial fishery and 1.30 million lb (0.59 million kg) to the recreational fishery. The 1998 discards are estimated to be 4.0 million lb (1.82 million kg), or four times the estimate made by the Council in 1997. Based on this, the Monitoring Committee recommended that measures be implemented to assure that discards do not exceed the 2.085 million lb (0.95 million kg) estimated in the 1999 recommendation. Further, the Monitoring Committee recommended a reduction in the catch threshold that triggers the minimum mesh requirement, and, if that was not adopted, it recommended using a 4 million lb (1.82 million kg) discard estimate to set the TAL.

The 1997 level of discards occurred with seasonal mesh threshold triggers of 4,000 and 1,000 lb (1841.4 and 453.6 kg). Specifically, fishermen were required to use 4.5-inch (11.43-cm) mesh in the codend when 4,000 lb (1,841.4 kg) and 1,000 lb (453.6 kg) or more of scup were on board during winter (November–March) or summer (April–October), respectively. The Monitoring Committee recommended, and the Council and Board adopted, a 200-lb (90.7-kg) and 100-lb (45.4-kg)

seasonal (winter/summer) threshold for mesh that would allow for TAL to be set using discards of 2.085 million lb (0.95 million kg). Recreational discards are estimated to be 0.065 million lb (0.029 million kg). Discard estimates for the commercial and recreational sectors are subtracted from the commercial and recreational TAC to derive the commercial quota and the recreational harvest limit. Given these levels of discards, for 1999, the commercial quota would be 2.534 million lb (1.149 million kg) and the recreational harvest limit would be 1.238 million lb (0.562 million kg). To achieve the commercial quotas, the Council and Board adopted trip limits of 12,000 lb (5,443 kg), with a drop to 1,000 lb (453.6 kg) for Winter I (January–March) and 4,000 lb (1814.4 kg) for Winter II (November–December) when 85 percent of the quotas for those periods are harvested.

The Council and Board believe that the minimum mesh threshold would allow the landing of bycatch of legal sized scup harvested in small mesh fisheries while at the same time discouraging the use of small mesh by directed scup fishermen. As such, this threshold would reduce the amount of discards of legal sized fish harvested in the commercial fisheries for other species. Some bycatch allowance is necessary in order that fish that might otherwise be discarded dead would instead be landed and apply to the commercial quota, increasing the probability that the target exploitation rate will be met.

The quota and periodic allocations are shown in Table 2.

TABLE 2.—PERCENT ALLOCATIONS OF COMMERCIAL SCUP QUOTA

Period	Percent	TAC ¹	Discards ²	Quota allocation	
				Lb	KG ³
Winter I	45.11	2,083,630	940,543	1,143,087	518,496
Summer	38.95	1,799,100	812,108	986,993	447,692
Winter II	15.94	736,569	332,349	403,920	183,215
Total	100.00	4,619,000	2,085,000	2,534,000	1,149,403

¹ Total allowable catch, in pounds.

² Discard estimates, in pounds.

³ Kilograms are as converted from pounds.

Black Sea Bass

The FMP specifies a target exploitation rate of 48 percent for 1999, equivalent to an F of 0.73. This target is to be attained through specification of a TAL level that is allocated 49 percent to the commercial fishery and 51 percent to the recreational fishery. The commercial quota is specified on a coastwide basis by quarter. The most recent assessment on black sea bass, completed in June 1998 (SAW-27), indicates that black sea bass are over-exploited and at a low biomass level. The SAW concluded that the input data for black sea bass were inadequate to develop an analytical assessment. Fishing mortality for 1997, based on

length based methods, was 0.73. The Stock Assessment Review Committee recommended maintaining the FMP exploitation schedule.

Given that the 1998 estimate of an F of 0.73 is identical to the target exploitation rate for 1999, the Council and Board did not recommend any changes in the TAL for 1999. As such, the Council and Board recommended that the TAL for 1999 be 6.17 million lb (2.79 million kg). Based on this TAL, for 1999, the commercial quota would be 3.02 million lb (1.37 million kg), and the recreational harvest limit would be 3.14 million lbs (1.42 million kg). The Council and Board further voted to maintain the current measures for fish

size, trip limits, mesh size and threshold, and trap vent sizes.

The Council and Board believe that this would achieve the target exploitation rate for 1999. Although the status of the stock is uncertain and projections of 1999 stock size were not conducted, exploratory results indicate that stock size has increased in recent years. Given this increase and the fact that this TAL is only slightly larger than the 1997 landings, the Council and Board believe that this TAL should result in an exploitation rate of 48 percent on the black sea bass stock.

The black sea bass coast wide commercial quotas by quarter for 1999 are presented in Table 3.

TABLE 3.—1999 BLACK SEA BASS QUARTERLY COAST WIDE COMMERCIAL QUOTAS AND QUARTERLY TRIP LIMITS

Quarter	Percent	Lb	(Kg) ¹	Trip Limits	
				Lb	(Kg) ¹
1 (Jan–Mar)	38.64	1,168,860	530,186	11,000	4,990
2 (Apr–Jun)	29.26	885,115	401,481	7,000	3,175
3 (Jul–Sep)	12.33	372,983	169,182	3,000	1,361
4 (Oct–Dec)	19.77	598,043	271,268	4,000	1,814
Total	100.00	3,025,000	1,372,117

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

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.

NMFS has completed an IRFA for this proposed rule, pursuant to 5 U.S.C. 603, without regard to whether the proposal would have a significant impact on a substantial number of small entities. A summary of this IRFA follows. A copy of the complete IRFA can be obtained from the Northeast Regional Office of NMFS (see ADDRESSES).

The IRFA examines five scenarios. Scenario I analyzes the cumulative impacts of the harvest limits proposed by NMFS for summer flounder, scup, and black sea bass on vessels that are permitted to catch any of these three species. Scenario II differs from Scenario I in that its analysis of cumulative impacts includes the summer flounder harvest limits submitted by the Council. The Council recommendation includes the same scup and black sea bass harvest levels. Scenario III differs from Scenario I in that its analysis of cumulative impacts includes the summer flounder harvest limits recommended by the Monitoring Committee. The Monitoring Committee recommendation includes the same

scup and black sea bass harvest levels. Scenario IV analyzes the cumulative impacts of the least restrictive possible harvest levels—those that would result in the least reductions (or greatest increases) in landings (relative to adjusted 1997) for all species. These limits resulted in the highest possible landings for 1999, regardless of their probability of achieving the biological targets. Scenario V analyzes the cumulative impacts of the most restrictive possible harvest levels—those that would result in the greatest reductions (or greatest decreases) in landings (relative to adjusted 1997) for all species. Thus, this scenario analyzes the summer flounder harvest limit proposed by the Monitoring Committee, and non-selected alternatives for scup and black sea bass.

An analysis of Scenario I (the proposed harvest limits) indicates that these levels will result in greater than a five percent revenue loss to 51 of the commercial vessels subject to this rule. Significant reductions varied from no vessels holding summer flounder/black sea bass permit combinations being affected, to 18 vessels holding scup/black sea bass permits. An analysis of the harvest limits in Scenario II indicates that these levels would result in a negative economic impact to 48 commercial vessels subject to this rule.

Reductions in revenue varied from none of the vessels holding summer flounder/black sea bass permits, to 17 vessels holding scup/black sea bass permits. An analysis of the harvest limits in Scenario III indicates that these harvest levels would result in a negative economic impact to 65 commercial vessels. Significant reductions varied from 18 vessels holding scup/black sea bass permits, to none of the vessels holding summer flounder/black sea bass permits. An analysis of the harvest limits in Scenario IV indicates that these levels would result in a negative economic impact to 19 commercial vessels. Reductions varied from 9 vessels holding scup/black sea bass permits, to none of the vessels holding both scup/summer flounder and summer flounder/black sea bass permits. An analysis of the harvest limits in Scenario V indicates that these levels would result in a negative economic impact to 199 commercial vessels. Significant reductions varied from 3 vessels holding only a summer flounder permit, to 55 vessels holding combined scup/black sea bass permits.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 15, 1998.

Rolland A. Schmitten,

*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 § 648.123, paragraph (a)(1) is revised to read as follows:

§ 648.123 Gear restrictions.

(a) *Trawl vessel gear restrictions*—(1) *Minimum mesh size.* The owners or operators of otter trawlers issued a scup moratorium permit, and that possess 200 lb or more (90.7 kg or more) from November 1 through April 30 or 100 lb or more (45.4 kg or more) of scup from May 1 through October 31, must fish with nets that have a minimum mesh size of 4.5 inches (11.43 cm) diamond 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 head rope, excluding any turtle excluder device extension. Scup on board these vessels shall be stored separately and kept readily available for inspection.

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[FR Doc. 98-28208 Filed 10-16-98; 1:13 pm]

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