

State and Territories continue to provide the Secretary with statistical information adequate for management. The intent of NMFS to build upon existing state, territorial, and NMFS collection systems to obtain data needed by the Western Pacific Fishery Management Council (Council) to effectively monitor the fisheries. The long-term effects from this action are expected to be a better understanding of bottomfish and seamount fish stocks and fisheries, and an increase in the knowledge necessary to manage the domestic fishery. This action should result in improved compliance by domestic fishermen with state and territorial fish catch reporting requirements.

Public Comments

Comments were received from the Hawaii Department of Land and Natural Resources (DLNR) and the Guam Division of Aquatic and Wildlife Resources supporting the action. No negative comments were received.

Classification

The final rule is published under authority of section 305(g) of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act) and was prepared at the request of the Council. The Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) has determined that this rule is necessary for the conservation and management of the bottomfish and seamount groundfish resources of the western Pacific region and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator has determined that the final rule falls within a categorical exclusion from the requirements of the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, by NOAA Directive 02-10, because it would not result in any significant change from the status quo and because the reporting of landings data is routine with limited potential for affecting the human environment. This action should result in providing an effective means of obtaining better reporting of catches by fishermen in compliance with state and territorial laws and regulations.

The Assistant Administrator also has determined that it is not a major rule requiring a regulatory impact analysis under Executive Order 12291. This action will not have a cumulative effect on the economy of \$100 million or more. It will result in a major increase in consumers, industries, government agencies, or geographical regions. No significant adverse impacts

are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 603 *et seq.*, because it does not create any additional burdens. As a result, a regulatory flexibility analysis was not prepared.

This final rule does not contain new collection-of-information requirements subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of American Samoa, Guam, and Hawaii. This determination was submitted for review to the responsible state and territorial agencies under section 307 of the Coastal Zone Management Act. The agencies failed to comment within the statutory time period.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 683

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 19, 1990.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 683 is amended as follows:

PART 683—WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES

1. The authority citation for 50 CFR part 683 continues to read as follows:

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

2. In § 683.4, a new paragraph (c) is added to read as follows:

§ 683.4 Recordkeeping and reporting.

(c) Any person who is required to do so by the applicable State laws and regulations, shall make and/or file any and all reports of bottomfish and seamount groundfish landings, containing all data and in the exact

manner, required by the applicable State laws and regulations.

§ 683.6 [Amended]

3. In section 683.6, paragraph (g). “§ 683.11” is revised to read “§ 683.4 (b) and (c).”

§ 683.11 [Removed]

4. Section 683.11 is removed.

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50 CFR Part 685

[Docket No. 900498-0257]

RIN 0646-AD41

Pelagic Fisheries of the Western Pacific Region

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

ACTION: Final rule.

SUMMARY: NOAA issues this final rule as an addition to the regulations implementing the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP). The rule makes it a Federal requirement that catch and effort data for pelagic management unit species (PMUS) be reported to the State of Hawaii, the Territory of American Samoa, and the Territory of Guam in compliance with the respective laws and regulations of each area. The intended effect of this action is to improve the ability of NMFS, American Samoa, Guam, and Hawaii to monitor catch and effort of the PMUS. This rule will foster cooperative enforcement efforts between NMFS, the U.S. Coast Guard, and the state/territorial enforcement agents to ensure compliance with catch reporting requirements without imposing any additional Federal data collection rules.

EFFECTIVE DATE: November 26, 1990.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Fisheries Management Division, Southwest Region, Terminal Island, California (213-514-6660), or Alvin Katekaru, Pacific Area Office, Honolulu, Hawaii, (808-955-8831).

SUPPLEMENTARY INFORMATION: Fisheries for billfish and associated species in the western Pacific are managed by the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region. As long as the data collection and catch reporting systems of the State of Hawaii, and the Territories of American Samoa and Guam provide the Secretary of Commerce (Secretary) with adequate statistical information necessary for management, no Federal reports are

quired of domestic fishermen or processors engaged in the fisheries of the U.S. Exclusive Economic Zone (EEZ). The proposed rule published on July 3, 1990 (55 FR 27481), explains that existing data systems of the State of Hawaii (mandatory reporting), American Samoa (voluntary reporting at present) and Guam (voluntary reporting at present) are the most comprehensive depositories of catch and effort data available on billfish and other migratory fish. These local systems have weaknesses due to inadequate reporting of catch information by domestic fishermen. The intended long-term effect of the final rule is: (a) To improve monitoring and assessment of the pelagic fisheries; (b) to evaluate the impacts of possible catch restrictions upon the PMUS within and outside the EEZ; (c) to develop and refine measurable indicators for monitoring the status of stocks of pelagic fish; and (d) to regulate the domestic fishing fleet to diminish gear conflicts. This action is consistent with Objective 9 of the FMP to improve the statistical base for better stock assessments, and for making better decisions to conserve and manage highly migratory resources throughout their range in the Pacific Ocean.

There are no foreseeable environmental or economic effects from implementing this regulatory change because the action is not expected to affect the amount of PMUS harvested, or the species composition of the catch, or the time and location of fishing activity. This is an administrative action that will have no impact upon marine resources, ocean and coastal habitats, or public health and safety. It is the intent of NMFS to build upon existing state, territorial, and NMFS data collection systems to obtain data needed by the Western Pacific Fishery Management Council (Council) to effectively monitor the pelagic fisheries and achieve the goals and objectives of the FMP. The long-term effects for this action are expected to be a better understanding of pelagic fish stocks and fisheries, and increase in the quality of the knowledge necessary to manage the domestic fisheries. This action should result in improved compliance by domestic fishermen with state and territorial catch reporting requirements.

Public Comments

Comments were received from the Hawaii Department of Land and Natural Resources (DLNR) and the Guam Division of Aquatic and Wildlife Resources supporting the action. DLNR

also pointed out a typographical error in the summary (last sentence) section of the proposed rule published on July 3, 1990. The sentence erroneously indicated that additional Federal data collection requirements would be imposed as a result of the proposed action. No negative comments were received.

Classification

The final rule is published under authority of section 305(g) of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act) and was prepared at the request of the Council. The Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) has determined that this rule is necessary for the conservation and management of the pelagic resources of the western Pacific region and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator has determined that the final rule falls within a categorical exclusion from the requirements of the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, by NOAA Directive 02-10, because it would not result in any significant change from the status quo and because the reporting of landings data is routine with limited potential for effect on the human environment.

The Assistant Administrator also has determined that this is not a major rule requiring a regulatory impact analysis under Executive Order 12291. The final rule will not have a cumulative effect on the economy of \$100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 603 *et seq.*, because it does not create any additional burdens. As a result, a regulatory flexibility analysis was not prepared.

This final rule does not contain new collection of information requirements subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

The Assistant Administrator has determined that the final rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of American Samoa, Guam, and Hawaii. This determination was submitted for review to the responsible state and territorial agencies under section 307 of the Coastal Zone Management Act. The agencies failed to comment within the statutory time period.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 685

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 19, 1990.

Samuel W. McKean,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 685 is amended as follows:

PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

1. The authority citation for part 685 continues to read as follows:

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

2. In § 685.4 the current text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 685.4 Recordkeeping and reporting.

(b) Any person who is required to do so by the applicable State laws and regulations shall make and/or file any and all reports of billfish and associated species landings, containing all data and in the exact manner required by the applicable State laws and regulations.

3. In § 685.5, a new paragraph (d) is added to read as follows:

§ 685.5 Prohibitions.

(d) Falsify or fail to make and/or file any and all reports of billfish and associated species landings, containing all data and in the exact manner, required by the applicable State laws and regulations, as specified in § 685.4(b), provided that the person is required to do so by the applicable State laws and regulations.