

FOR FURTHER INFORMATION CONTACT:
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Pacific Fishery Management Council
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SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) was prepared by the Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) on January 4, 1982; implementing regulations were published in the Federal Register on October 5, 1982 (47 FR 43962). Since then, the FMP has been amended four times, with implementing regulations at 50 CFR parts 611, 620, and 663.

The guidelines to the national Standards attendant to the Magnuson Act (50 CFR part 602) were revised in 1989 (54 FR 30826, July 24, 1989) to require the Regional Fishery Management Councils to amend all fishery management plans to include definitions of overfishing for their respective fisheries. The definition is intended to provide an objective and measurable standard for determining whether any species or stock under management has been overfished such that corrective action must be taken to control fishing mortality.

Amendment 5 establishes a definition of overfishing that will be applied in the Pacific coast groundfish fishery off Washington, Oregon, and California, consistent with the approving criteria at 50 CFR 602.11(c)(5). The overfishing definition is an upper limit to the fishing mortality rate rather than a threshold biomass. Specifically, the Council defined overfishing as exceeding the fishing mortality rate that would reduce spawning biomass per recruit to 20 percent of its unfished level, $F(20\text{ percent})$. When spawning biomass is greater than that which produces the maximum sustainable yield (MSY), the overfishing rate equals the greater of $F(20\text{ percent})$ or the rate that would, in one year, reduce the spawning biomass to the level that produces MSY. This definition is to be used as an upper limit or constraint to fishing and not as a targeted optimal harvest policy. It is linked to the same productivity assumptions used for determining levels of acceptable biological catch (ABC). Therefore, an objective evaluation of overfishing is feasible for the predominant species and species groups in the Pacific coast groundfish fishery.

The Council submitted Amendment 5 to the Secretary on November 23, 1990. The Secretary published a Notice of Availability in the Federal Register (55 FR 66574, December 7, 1990) announcing

a public comment period until December 26, 1991. No comments were received.

Classification

Amendment 5 has no direct regulatory impacts. Because Amendment 5 has no implementing regulations, determinations under the Regulatory Flexibility Act and Executive Order 12291 are not required. The Paperwork Reduction Act does not apply since neither an information collection nor a recordkeeping requirement is included in the amendment.

The Council determined that the amendment would be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of the States of Washington, Oregon, and California. Letters were sent to the three states requesting their review and comment. Only the State of Oregon responded, agreeing with the consistency determination. Therefore, concurrence from the States of Washington and California is inferred.

Amendment 5 does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

An environmental assessment prepared by the Council concluded that this amendment would not significantly affect the quality of the human environment. The Assistant Administrator for Fisheries, NOAA has made a finding of no significant impact under the National Environmental Policy Act.

The Secretary approved this Amendment on March 1, 1991, and determined it is consistent with the Magnuson Act and other applicable law. Therefore, NOAA issues this notice announcing approval of Amendment 5 to the FMP.

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

Dated: March 1, 1991.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 91-5320 Filed 3-6-91; 8:45 am]

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Pelagic Fisheries of the Western Pacific Region

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

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

SUMMARY: NOAA issues this notice that amendment 1 to the Fishery Management Plan for the Pelagic

Fisheries of the Western Pacific Region (FMP) has been approved. Amendment 1, which defines overfishing in compliance with national standards 1 and 2 of the Magnuson Fishery Conservation and Management Act (Magnuson Act), was submitted by the Western Pacific Fishery Management Council (Council) for Secretarial review on November 23, 1990. No rulemaking is involved with this action.

EFFECTIVE DATE: March 1, 1991.

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

SUPPLEMENTARY INFORMATION: A notice of availability of Amendment 1 was published in the Federal Register on December 10, 1990 (55 FR 50755), and comments were invited until January 28, 1991.

The guidelines to the national standards attendant to the Magnuson Act (50 CFR part 602) were revised in 1989 (54 FR 30826, July 24, 1989) to require the Regional Fishery Management Councils to amend all fishery management plans to include definitions of overfishing for their respective fisheries. The definition is intended to provide an objective and measurable standard for determining whether any species or stock under management has been overfished such that corrective action must be taken to control fishing mortality.

With regard to the pelagic management unit species of the western Pacific, the Council defined overfishing (i.e., recruitment overfishing) for bill fishes, mahimahi, and wahoo as the point where their spawning potential ratio (SPR) is equal to or less than 0.2. A pelagic shark species is considered overfished when its SPR is equal to or less than 0.35. SPR, which may be estimated in several ways depending on the quality of available statistics, is a measure of the current reproductive capacity of the stock relative to its unexploited capacity, and is inversely proportional to fishing mortality. Thus, SPR ranges from 1.0 before exploitation to 0.0 with increasing fishing mortality. Amendment 1 also revises the objectives of the FMP and definition of Optimum Yield (OY) to bring them into accord with the overfishing definition.

No comments on the amendment were received.

The definition of overfishing, and the measures to implement the definition, have been determined to meet the criteria of the national standards guidelines.

Classification

The Director, Southwest Region, U.S. Fish and Wildlife Service (USFWS), determined that Amendment 1 is necessary for the conservation and management of the pelagic fisheries and is consistent with the Magnuson Act and other applicable law.

The Council included an environmental assessment (EA) in Amendment 1. The Assistant Administrator for Fisheries, NOAA, concluded that there will be no significant impact to the human environment resulting from this amendment.

Because the amendment requires no implementing regulations, 5 U.S.C. 553, E.O. 12291, and the Regulatory Flexibility Act do not apply.

There will be no impact on marine mammals or endangered species.

Amendment 1 does not contain collection-of-information requirements subject to the Paperwork Reduction Act.

The Council has determined that the proposed amendment is consistent to the maximum extent practicable with the coastal zone programs of the governments of Hawaii, American Samoa, and Guam and has requested concurrence with this determination. The government of American Samoa has concurred with this determination. The governments of Hawaii and Guam did not respond; therefore, concurrence is deferred.

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

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

Dated: March 1, 1991.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

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