

anchovy resource is a major forage species for marine mammals, other fish, and birds such as the California brown pelican, which is listed as endangered under the Endangered Species Act (ESA). There have been six amendments to the FMP.

The FMP was one of the first fishery management plans developed by the Pacific Fishery Management Council, under the authority of the Magnuson Fishery Conservation and Management Act. At the time, substantial reduction fisheries existed in the United States and Mexico. (Reduction fisheries processed anchovy into fish flour/meal, oil, fertilizer, or other products not intended for human consumption). Further, recreational fisheries for kelp/sand bass, white seabass, bonito, barracuda, yellowtail, and tunas depended on northern anchovy as live bait for its livelihood, as it still does today. The FMP was designed to resolve difficult allocation issues. There was, and still is, no agreement with Mexico on how to manage the fishery.

With the decline in U.S. harvests and little prospect for growth in the fishery, interjurisdictional and allocation issues, which might require Federal intervention, no longer exist. In recent years, virtually the entire fishery has occurred in California waters, and nearly all harvesters and processors are California citizens utilizing vessels registered in California. The condition of the fishery is such that no management authority over this fishery is exercised through Federal regulations that are beyond those available to the State.

California has management measures in place for anchovy and other components of the coastal pelagic species complex. Should this proposed removal of Federal regulations be finalized, NMFS anticipates that California will broaden its management to include the anchovy fishery with substantially the same controls as were provided by Federal regulations. This would also unify management of the coastal species complex fisheries.

Therefore, Federal management is neither necessary nor appropriate for this fishery and unnecessarily duplicates the State of California's management. For these reasons, NMFS proposes to withdraw approval for the FMP and remove the FMP's implementing regulations (50 CFR part 662), leaving management of the anchovy resource to the State of California.

## Classification

This proposed rule has 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 has 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. We expect that California will regulate fishing in the same manner that we currently do. Because virtually the entire anchovy fishery takes place in California waters, conditions in the fishery should not change.

NMFS is conducting an ESA consultation with the U.S. Fish and Wildlife Service regarding the effects of this proposed action on the endangered brown pelican.

## List of Subjects in 50 CFR Part 662

Fisheries.

Dated: March 20, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, under the authority of 16 U.S.C. 1801 *et seq.*, 50 CFR part 662 is proposed to be removed.

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## 50 CFR Part 674

[Docket No. 960314075-6083-04; I.D. 031196D]

RIN 0648-A116

## Salmon Fisheries Off the Coast of Alaska; Removal of Implementing Regulations

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS announces its initial determination to withdraw approval of the Fishery Management Plan for the Salmon Fisheries in the Exclusive Economic Zone (EEZ) off the Coast of Alaska East of 175° E. Long. (FMP). NMFS proposes to remove the regulations implementing the FMP. This action is necessary, because NMFS has determined that the State of Alaska adequately manages the salmon fisheries in Federal waters, and, therefore, the need for a Federal FMP no

longer exists. This action is in accordance with the President's Regulatory Reinvention Initiative.

**DATES:** Comments must be received at the following address by May 9, 1996.

**ADDRESSES:** Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

Individual copies of the Environmental Assessment/Regulatory Impact Review prepared for this action may be obtained from the same address.

**FOR FURTHER INFORMATION CONTACT:** Kaja Brix, 907-586-7228.

## SUPPLEMENTARY INFORMATION:

The Magnuson Fishery Conservation and Management Act (Magnuson Act) authorizes the North Pacific Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. In December 1978, the Council prepared the FMP and submitted it to the Secretary of Commerce (Secretary) for approval. The Secretary approved the FMP, and it was implemented in May 1979 with Federal regulations at 50 CFR part 674.

The Assistant Administrator for Fisheries, NOAA, submitted a letter, dated February 23, 1996, to the Council Chairman, expressing NMFS' intent to withdraw approval of the FMP and to remove its implementing regulations. The State of Alaska would retain its authority to manage State-permitted vessels in Federal waters. Currently, all vessels that fish for salmon in Federal waters are registered under the laws of the State of Alaska, and, therefore, are subject to the State laws governing the fishery. In the unlikely event that unregistered vessels were to conduct directed salmon fishing operations in the EEZ, NMFS could address the problem through regulatory action pursuant to the Pacific Salmon Treaty Act of 1985 or the Magnuson Act.

The FMP originally established the Council's management authority over the salmon fisheries in the Federal waters off the coast of Alaska east of 175° E. long., including parts of the Gulf of Alaska, Bering Sea, Chuckchi Sea, and Arctic Ocean. The International North Pacific Fisheries Commission, which is authorized by the International Convention for the High Seas Fisheries of the North Pacific Ocean, manages salmon fisheries west of 175° E. long.

The FMP management area is divided into two management units located east and west of the longitude of Cape Suckling (143°53'35" W. long.). The FMP has historically focused on the troll fishery in the eastern management

unit. Implementing regulations governing the troll fishery consisted of several management measures, including a fishing season, gear restrictions, a limit on the number of vessel troll permits, and a requirement for trollers to have either a State of Alaska or a Federal limited entry troll permit. The Council intended all of its management measures governing the sport fishery and the commercial troll fishery to complement State of Alaska regulations for the salmon fisheries in adjacent State waters. The FMP has been amended four times. Amendment 3 deferred the management of the salmon fisheries to the State of Alaska.

NMFS has considered the adequacy of State of Alaska management of salmon fisheries within waters of the Council's area of authority with respect to advisory guidelines at 50 CFR part 602, and has determined that State management is adequate. Therefore, NMFS has determined that Federal

management is not necessary and proposes to withdraw Secretarial approval of the FMP and remove the implementing Federal regulations.

#### Classification

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 because the State of Alaska is already managing the fishery with its regulations. Removal of Federal regulations eliminates duplication of effort but does not effect management of the fishery. As a result, a regulatory flexibility analysis was not prepared.

Consultation pursuant to section 7 of the Endangered Species Act will be initiated for the 1996 fishery and for the withdrawal of the FMP.

An RIR was prepared for this proposed rule that describes the management background, the purpose and need for action, and the management action alternatives. Copies of the RIR can be obtained from (see **ADDRESSES**).

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

#### List of Subjects in 50 CFR Part 674

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 21, 1996.

Gary Matlock,

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, under the authority of 16 U.S.C. 1801 *et seq.*, part 674 is proposed to be removed.

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