localities in Mariposa County. Both localities are steep north-facing slopes within the Sierra National Forest and partly within a California Department of Transportation (Caltrans) right-of-way. The species was considered to be threatened by road construction and maintenance activities, power line maintenance activities, and landslides. Implementation of protection measures through a Memorandum of Understanding signed by the Forest Service, Caltrans, and Pacific Gas and Electric has reduced the level of threats to the Merced clarkia. The available information indicates that the degree of the threats to the Merced clarkia does not warrant issuance of a proposed rule nor continuation of candidate status for this species.

The San Gabriel Mountains dudleya (*Dudleya densiflora*) is a white or pink-flowered perennial of the stonecrop family that is endemic to southern California. It occurs on steep cliffs and canyon walls within chaparral, oak woodland, and riparian woodlands. This species is known from four populations within a 9 square-mile area along the southern face of the San Gabriel Mountains in Los Angeles County. The species was considered to be threatened by mining, road maintenance, and recreational activities. The San Gabriel Mountains dudleya is being removed from candidate status because about 75 percent of the subpopulations of the species occur on steep cliffs and canyon walls on U.S. Forest Service lands and are not threatened by habitat modification at this time.

Author

This notice was compiled from materials supplied by staff biologists located in the Service's regional and field offices. The materials were compiled by Martin J. Miller, Division of Endangered Species (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: September 3, 1997.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 97–24806 Filed 9–18–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 970829217–7217–01; I.D. 081597E]

RIN 0648–AJ79

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 18

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule and request for comments for Framework Adjustment 18 to the Northeast Multispecies Fishery Management Plan (FMP). This rule proposes to allow pelagic midwater trawling for herring and mackerel in Multispecies Closed Areas I and II, the Gulf of Maine (GOM) multispecies closure areas, and in the Nantucket Lightship Closed Area under certain conditions. The intended effect of this action is to provide greater economic opportunity for pelagic midwater trawl vessels to harvest herring and mackerel while maintaining the conservation benefits of the current multispecies management measures.

DATES: Comments must be received on or before October 6, 1997.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Andrew A. Rosenberg Ph.D., Administrator, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Copies of the framework document are available upon request from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, (Route 1), Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, NMFS, Fishery Policy Analyst, 508–281–9279.

SUPPLEMENTARY INFORMATION:

Background

In 1994, at the request of the New England Fishery Management Council (NEFMC), NMFS, by emergency action, closed three large areas for the duration of the emergency to all fishing gear capable of catching multispecies (59 FR 63926, December 12, 1994, and amended at 60 FR 3102, January 13, 1995). These areas, known as Closed Areas I and II, and the Nantucket Lightship Closed Area, cover approximately 4800 square miles (12432 sq km). In order to avoid a hiatus between the emergency action and implementation of Amendment 7, NMFS issued Framework Adjustment 9 (60 FR 19364, April 18, 1995) to implement the emegency measures on a permament basis while Amendment 7 was being developed to address a longterm objective of stock rebuilding. In 1996, Amendment 7 to the FMP continued the existing year-round closures and closed seasonally three additional large areas in the GOM (61 FR 27710, May 31, 1996). These areas currently remain closed to all gear capable of catching multispecies, including pelagic midwater trawls.

Recently, the NEFMC was requested by fishery participants to allow pelagic midwater trawling for herring and mackerel in the multispecies closed areas. According to the participants, the herring and mackerel fisheries capture negligible amounts of regulated multispecies due to the spatial separation of pelagic and demersal species in the water column. Because of the low value of herring and mackerel, it is important to industry that vessels have unimpeded access to these species throughout their migration to ensure that the harvesting and/or processing capacity of the vessels is maximized. Large closed areas impede access and make fishing for herring and mackerel less economically feasible. These pelagic species are very important for commercial fishing vessels in New England that participate in joint ventures or in the directed domestic fishery. Due to the prohibition on fishing in closed areas and an increased reliance on closed areas for multispecies mortality reduction, it has become increasingly difficult to conduct these pelagic fishing operations.

The NEFMC has reviewed NMFS sea sampling data from the fisheries and has determined that pelagic midwater trawls, when fished properly, can operate in closed areas with a minimal bycatch of regulated multispecies. NMFS agrees with this determination. However, allowing one type of trawl vessel while prohibiting another type could present enforcement problems. Several requirements in Framework 18 address these enforcement concerns. This proposed rule would allow pelagic midwater trawling for herring and mackerel in Closed Areas I and II, the Nantucket Lightship Closed Area, and the GOM Closed Areas under the following conditions: (1) Vessels must obtain and comply with a midwater trawl letter of authorization (as currently required under § 648.80(d)(2)

for the midwater trawl gear exemption) from the Administrator, Northeast Region, NMFS (Regional Administrator); (2) harvesting or processing vessels must carry observers if required by NMFS, and (3) if the Regional Administrator determines, on the basis of sea sampling data or other credible information, that bycatch of regulated multispecies in the closed areas for the fishery or for an individual vessel is likely to exceed, or exceeds, 1 percent of the catch (by weight), then the Regional Administrator may place restrictions and/or conditions in the letter(s) of authorization of any or all of the fishing operations; or, after consulting with the NEFMC, may suspend all midwater trawl activities in the closed areas.

Classification

This action is authorized by CFR part 648 and has been determined not to be significant for purposes of E.O. 12866.

The NEFMC prepared an initial regulatory flexibility analysis (IRFA) that describes the impact this proposed rule, if adopted, would have on small entities. This proposed action would have a significant, but positive impact on small business entities because it is expected to increase the annual gross revenues of a substantial number of small business entities by more than 5 percent. The IRFA concluded that this action could affect all of the approximately 35 pelagic midwater trawl vessels (which are small business entities) participating in the fisheries by allowing them to fish in areas currently closed to them, and thereby increasing their annual gross revenues by more than 5 percent. Ten to twelve additional vessels could enter these fisheries in the next year. However, it is unlikely more than this estimate will enter the fisheries because of the expense, which is estimated to range from $75,000 to $250,000 depending on the changes made, to convert conventional trawl vessels into competitive mid-water trawls. Because of the conversion expenses, many vessels would be precluded from entering these fisheries.

The proposed action could improve the economic competitiveness of all U.S. Atlantic herring and mackerel harvesting operations and preserve the enforceability and effectiveness of the multispecies closed areas. The IRFA indicated that it is difficult to predict the exact increase in annual gross revenues as a result of allowing fishing in the currently closed areas due to the migratory nature of herring and mackerel, but overall annual ex-vessel revenues for the fleet may potentially rise from between $255,684 to $767,051, as compared to taking no action.

The NEFMC considered but rejected requiring observers to be present whenever fish are transferred from the harvesting vessel to the processor. The NEFMC rejected this alternative because it was considered to be too costly for U.S. freezer trawlers and vessels that land herring or mackerel ashore. The NEFMC has received many comments that pelagic midwater vessels do not catch regulated groundfish species, and the NEFMC felt this view is supported by the available sea sampling data. In addition, the IRFA indicates there may be an insufficient number of trained observers to provide coverage for the non-joint venture boats in the near future. Observers already are required on processing vessels participating in joint venture operations. Under this non-preferred alternative (mandatory use of observers), the range in ex-vessel revenues was estimated to be from $217,000 to $640,000. However, observer costs would range from an estimated 8 percent to as much as 148 percent of ex-vessel revenues, making it economically unfeasible for some vessels to carry observers. Observer costs would average 55 percent of gross revenues for ton-class 3 vessels and 14 percent of gross revenues for ton-class 4 vessels based on available herring catch rate data.

No alternatives to ''minimize'' the economic impact were considered by the NEFMC because the impacts are all beneficial and thus need not be minimized. As noted above, the NEFMC rejected an alternative that would have reduced the economic benefit. A copy of this analysis is available from the NEFMC (see **ADDRESSES**).

This proposed rule contains no new collection-of-information requirements.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 12, 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. Section 648.80 is amended by revising paragraphs (d)(2) and (d)(3) to read as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(d) * * *

(2) When fishing under this exemption in the GOM/GB and SB/JL Areas, and in any or all of the areas described in § 648.81 (a)(1),(b)(1),(c)(1),(f)(1),(g)(1),(h)(1), and (i)(1), the vessel has on board a letter of authorization issued by the Regional Administrator, and complies with all restrictions and conditions thereof;

(3) The vessel only fishes for, possesses, or lands Atlantic herring, blueback herring, or mackerel in areas north of 42°20' N. lat. and in the areas described in § 648.81 (a)(1), (b)(1), (c)(1), (f)(1), (g)(1), (h)(1), and (i)(1); and Atlantic herring, blueback herring, mackerel, or squid in all other areas south of 42°20' N. lat.; and

* * * * *

3. Section 648.81 is amended by adding paragraph (a)(2)(iii), and by revising paragraphs (a)(2)(ii), (b)(2) introductory text, (c)(2)(i), and (f)(2)(ii) to read as follows:

§ 648.81 Closed areas.

(a) * * *

(2) * * *

(ii) Fishing with or using pelagic hook or longline gear or harpoon gear, provided that there is no retention of regulated species, and provided that there is no other gear on board capable of catching NE multispecies; or

(iii) Fishing with midwater trawl gear consistent with § 648.80(d), provided that the Regional Administrator shall review information pertaining to the bycatch of regulated multispecies from the closed areas specified in paragraphs (a)(1), (b)(1), (c)(1), (f)(1), (g)(1), (h)(1), and (i)(1) of this section, and if the Regional Administrator determines, on the basis of sea sampling data or other credible information, that the bycatch of regulated multispecies in the areas exceeds, or is likely to exceed, one percent of herring and mackerel harvested, by weight, in the fishery or by any individual fishing operation, the Regional Administrator may place restrictions and conditions in the letter of authorization for any or all individual fishing operations or, after consulting with the Council, suspend or prohibit any or all midwater trawl activities in any or all such areas.

(b) * * *

(2) Paragraph (b)(1) of this section does not apply to persons on fishing vessels or fishing vessels authorized to fish in Closed Area I under paragraph (a)(2) of this section, or that are transiting the area provided—

* * * * *

(c) * * *

(2) * * *

(i) Fishing with gear as described in paragraph (a)(2) of this section;

* * * * *

(f) * * *

(2) * * *

(ii) That are fishing with or using exempted gear as defined under this part, excluding pelagic gillnet gear capable of catching multispecies, except vessels may fish with a single pelagic gillnet, not longer than 300 ft. (91.44 m) and not greater than 6 ft (1.83 m.) deep, with a maximum mesh size of 3 inches (7.62 cm.), provided the net is fished in the upper two-thirds of the water column and is marked with the owners name and vessel identification number, and provided there is no other gear on board capable of catching multispecies finfish; or

* * * * *

[FR Doc. 97–24812 Filed 9–18–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 970908229–7229–01; I.D. 082797A]

RIN 0648–AJ55

Fisheries of the Northeastern United States; Amendment 10 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement the provisions of proposed Amendment 10 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP). Amendment 10 would revise some of the management measures in the summer flounder fisheries and require a number of corresponding revisions to the regulations implementing the FMP and its amendments.

DATES: Public comments must be received on or before November 3, 1997.

ADDRESSES: Comments on this proposed rule should be sent to Andrew A. Rosenberg, Ph.D., Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on Amendment 10 Proposed Rule.''

Copies of Amendment 10, the environmental assessment and the regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508–281–9221.

SUPPLEMENTARY INFORMATION:

Background

Proposed Amendment 10 was prepared by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission), in consultation with the New England and South Atlantic Fishery Management Councils. A notice of availability for the amendment was published in the **Federal Register** on September 3, 1997 (62 FR 46470), soliciting public comments on Amendment 10 through November 3, 1997. All comments received by the end of the comment period on the proposed amendment, whether specifically directed to Amendment 10 or the proposed rule, will be considered in the approval/disapproval decision on Amendment 10; comments received after that date will not be considered in the approval/disapproval decision of Amendment 10. Public comments must be received (not postmarked or otherwise transmitted) by the close of business on November 3, 1997, to be considered in the approval/disapproval decision.

Amendment 10 revises the management measures in the summer flounder (*Paralichthys dentatus*) fishery, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended. The management unit continues to be summer flounder in U.S. waters in the western Atlantic Ocean from the southern border of North Carolina, northward to the U.S./Canada border.

The regulations implementing the FMP and its amendments impose a broad spectrum of measures on the fishery to stop overfishing and increase spawning stock biomass. These measures include minimum mesh size limits in the otter trawl fishery, a moratorium on the entry of new vessels into the commercial fishery, and a total harvest limit allocated between the commercial and recreational sectors of the fishery. The harvest limit for the commercial sector is allocated as a quota, apportioned to the states based on historical landings data. All commercial landings in a state count against that state's quota.

Proposed Amendment 10 would require a number of changes to the summer flounder regulations. Amendment 10 would modify the commercial minimum mesh size limit, continue the moratorium on entry of additional commercial vessels, remove the landing requirements applicable to permit retention, modify the vessel replacement criteria, would allow any state to be granted *de minimus* status if commercial summer flounder landings during the preceding calendar year were less than 0.1 percent of the total coastwide quota, allow federally permitted charter and/or party vessels to possess fillets less than the minimum size if in possession of a permit to do so issued by their state, and prohibit transfer of summer flounder at sea. Amendment 10 also contains measures adopted by the Commission as part of its interstate management process. Defined as compliance criteria, these management measures are not part of the Federal regulatory process and are, therefore, not included in this proposed rule. Details of these measures are described in Amendment 10, which is available from the Council (see **ADDRESSES**).

In addition, the Council reevaluated in Amendment 10 the commercial quota system implemented by Amendment 2. During the public hearings for Amendment 10, the Council and Commission proposed several alternative quota allocation methods, with the status quo being the preferred alternative. After receiving and considering public comments, the Council and Commission voted to maintain the existing state-by-state commercial quota allocation system. The Council and Commission felt the current system allows the states the most flexibility in managing their quotas, by implementing state subquotas and trip limits.

After a preliminary review of Amendment 10, NMFS found that the *de minimus* status provision was not consistent with national standard 7, raised questions of consistency with national standard 1, and appears arbitrary and capricious. This measure would require an annual examination of state landings to determine if landings in that state during the preceding year for which data are available were less than 0.1 percent of the overall annual quota. If a state met this criterion, it would be granted *de minimus* status. The *de minimus* measure would impose