

Val Verde and Kinney counties, Texas, and Coahuila, Mexico. All interested parties are invited to submit comments on this proposal.

DATES: The public hearing will be held from 5:30 p.m. to 8 p.m. on May 28, 1998, in Del Rio, Texas. The comment period closes July 27, 1998.

ADDRESSES: The public hearing will be held at the Freshmen School Cafeteria of the San Felipe-Del Rio Independent School District, located at 90 Memorial Drive in Del Rio, Texas. Written comments and materials concerning the proposal should be sent to the Field Supervisor, Austin Ecological Services Field Office, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas, 78758. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nathan Allan, Fish and Wildlife Biologist (see **ADDRESSES** section) (telephone 512/490-0057; facsimile 512/490-0974).

SUPPLEMENTARY INFORMATION:

Background

The current range of the Devils River minnow is limited to three stream systems in Val Verde and Kinney counties, Texas, and one drainage in Coahuila, Mexico. The species' range has been significantly contracted and fragmented. In addition, the numbers of Devils River minnows collected during fish surveys has declined dramatically over the past 25 years; the species has declined from one of the most abundant fish to one of the least abundant. Based on the current information, the decline of the species in both distribution and abundance may be attributed in large part to the effects of habitat loss and modification and the introduction of nonnative fish into habitats of the Devils River minnow.

On March 27, 1998, the Service published a proposed rule to list the Devils River minnow as endangered under the Endangered Species Act (Act) of 1973, as amended. Section 4(b)(5)(E) of the Act requires that a public hearing be held if requested within 45 days of the proposal's publication in the **Federal Register**. Because of the past public interest in the listing of this species, the Service opened the public comment period for 120 days and planned the public hearing in advance of a request.

The Service has scheduled this hearing for 5:30 p.m. to 8 p.m. on May 28, 1998, at the Freshmen School Cafeteria of the San Felipe-Del Rio

Independent School District, located at 90 Memorial Drive in Del Rio, Texas.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement to be presented to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits on the length of written comments presented at this hearing or mailed to the Service. Legal notices announcing the date, time and location of the hearing are being published in newspapers concurrently with this **Federal Register** notice.

The comment period on the proposal will remain open until July 27, 1998. Written comments may be submitted until that date to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Nathan Allan (see **ADDRESSES** section) (telephone 512/490-0057; facsimile 512/490-0974).

Authority

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

Dated: May 7, 1998.

Nancy M. Kaufman,

Regional Director, Fish and Wildlife Service.

[FR Doc. 98-12839 Filed 5-13-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 654

[Docket No. 980501114-8114-01; I.D. 041698G]

RIN 0648-AK48

Stone Crab Fishery of the Gulf of Mexico; Amendment 6

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 Amendment 6 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP). Amendment 6 would extend, for up to 4 years, the existing temporary moratorium on the Federal registration

of stone crab vessels. The intended effect is to provide additional time for the industry and Florida to develop and implement a limited access system for the fishery.

DATES: Written comments will be considered if received on or before June 29, 1998.

ADDRESSES: Send comments on the proposed rule to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Requests for copies of Amendment 6, which includes a regulatory impact review and an environmental assessment, should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; Phone: 813-228-2815; Fax: 813-225-7015.

FOR FURTHER INFORMATION CONTACT:

Michael E. Justen, 813-570-5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 654.

Background

Final regulations implemented the FMP on September 30, 1979 (44 FR 53519), and apply only to the exclusive economic zone (EEZ) off Florida's west coast (including Monroe County), the primary location of the directed stone crab fishery.

The original FMP required vessels to be registered by the appropriate state or Federal agency and assigned an identification number and color code for the vessel and gear. Federal regulations allowed fishermen to obtain a Federal identification number and color code from the NMFS Southeast Regional Office, if the applicant could not obtain an identification number and color code from Florida. However, the NMFS Southeast Regional Office has never issued an identification number and color code to anyone to participate in the stone crab fishery because fishermen could obtain them from Florida.

Amendment 5, implemented on April 14, 1995 (60 FR 13918), placed a 3-year moratorium (April 15, 1995 - June 30, 1998) on the Federal registration of stone crab vessels. The Council recommended, and NMFS approved and implemented, the Federal moratorium because the Florida Legislature passed a moratorium on the issuance of state permits, effective July 1, 1995, while the Florida Marine Fisheries Commission (FMFC), in cooperation with the stone crab industry, considered development

of a limited access system. Without the Federal moratorium, fishermen could have circumvented the state moratorium.

The Council recommended Amendment 6 to extend the Federal moratorium on vessel registration for up to 4 years (i.e., through June 30, 2002) because it is concerned that legislative action by Florida to create a limited access system may be delayed beyond June 30, 1998.

If the Federal moratorium expires on June 30, 1998, anyone could apply to NMFS for vessel registration. Substantial entry into the stone crab fishery would adversely affect current participants in the fishery by reducing their respective shares of the harvest. The fishery is already overcapitalized both in gear deployed, with approximately 798,000 traps deployed in 1995-96, and in the number of permitted vessels. As of July 1, 1995, there were 6,501 commercial permits issued. Only 1,556 permit holders, however, had stone crab landings, and 70 percent of them, or 1,102 permittees, had annual landings of 500 lb (225 kg) or less. Landings have not increased significantly since 1982-83, when approximately 350,000 traps were deployed. Catch-per-unit-of-effort has declined significantly since then.

In cooperation with the stone crab industry, the FMFC has proposed to the Florida Legislature a limited access program that contains provisions for a license limitation system that would exclude permit holders with no record of landings during recent years. The Florida Legislature is expected to pass this limited access program in 1999 with the state law to become effective July 1, 1999. The Council will then submit a regulatory amendment to extend the license limitation program to Federal waters off Florida's Gulf coast, including Monroe County.

Management Measures in Amendment 6

Amendment 6 would continue, for up to 4 years, the FMP's temporary moratorium on the Federal registration of stone crab vessels. This Federal moratorium would end no later than June 30, 2002.

Control Date

At the Council's request, NMFS published a control date of July 24, 1995, for the commercial fishery (60 FR 37868, July 24, 1995). That action notified fishermen entering the commercial stone crab fishery that after

that date they may not be allowed to participate in the fishery if that date is used in a limited access program to limit entry.

Availability of and Comments on Amendment 6

Additional background and rationale for the measures discussed above are contained in Amendment 6, the availability of which was announced in the **Federal Register** on April 23, 1998 (63 FR 20163). Written comments on Amendment 6 must be received on or before June 22, 1998. Comments that are received by NMFS on or before June 22, 1998, whether specifically directed to Amendment 6 or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve Amendment 6. Comments received after that date will not be considered by NMFS in this decision. All comments received on Amendment 6 or on this proposed rule during their respective comment periods will be addressed in the preamble to the final rule.

Classification

At this time, NMFS has not made a final determination that the provisions of Amendment 6 are consistent with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable laws. In making that final determination, NMFS will take into account the data, views, and comments received during the comment period.

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

The Assistant General Council for Legislation and Regulation of the Department of Commerce, based on the Council's Regulatory Impact Review (RIR) that assesses the economic impact of management measures proposed in this rule on fishery participants, 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 as follows:

The regulations are not likely to change annual gross revenues by more than 5 percent. Instead, the Federal moratorium would simply maintain current rules, and vessels would not be subjected to a regulatory-induced reduction in gross revenue.

Annual compliance costs are not likely to increase total costs of production for small entities by more than 5 percent. It has been estimated that there would be no additional costs associated with compliance with the

provisions of this amendment, as no additional permits, gear modifications, or other changes are required.

Compliance costs as a percent of sales for small entities are not likely to be at least 10 percent higher than compliance costs as a percent of sales for large entities. All the firms expected to be impacted by the rule are small entities and hence there is no differential impact.

Capital costs of compliance are not likely to represent a significant portion of capital available to small entities, considering internal cash flow and external financing capabilities. Significant effects of this type are not expected to occur from any of the alternatives that would extend the moratorium.

The requirements of the regulations are not likely to force a number of the small entities to cease operations. The action to extend the moratorium would not force any vessels out of the fishery.

As a result, a regulatory flexibility analysis was not prepared. A copy of the RIR is available from the Council (see ADDRESSES).

List of Subjects in 50 CFR Part 654

Fisheries, Fishing.

Dated: May 8, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 654 is proposed to be amended as follows:

PART 654—STONE CRAB FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 654 continues to read as follows:

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

2. In § 654.3, paragraph (d) is revised to read as follows.

§ 654.3 Relation to other laws.

* * * * *

(d) Under Amendment 6 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico, there is a temporary moratorium on the issuance by the Regional Director of Federal identification numbers and color codes for vessels and gear in the stone crab fishery in the management area. The moratorium will end not later than June 30, 2002. During the moratorium, fishermen must obtain identification numbers and color codes for these vessels and gear from Florida. (See § 654.6(a).)

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