

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Cactaceae—Cactus family:						
<i>Harrisia</i> (= <i>Cereus</i>) <i>portoricensis</i>	Higo chumbo	U.S.A. (PR)	T	397	NA	NA

Dated: July 19, 1990.
 Suzanne Mayer,
 Acting Director, Fish and Wildlife Service.
 [FR Doc. 90-18564 Filed 8-7-90; 8:45 am]
 BILLING CODE 4310-55-M

50 CFR Part 17

RIN 1018-AB36

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant *Aristida portoricensis* (pelos del diablo)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Aristida portoricensis* (pelos del diablo) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. *Aristida portoricensis* is a grass endemic to serpentine slopes and red clay soils of southwestern Puerto Rico. It is presently found on only two sites in this area and is threatened by the expansion of residential and commercial development and by proposals for the mining of copper and gold. This final rule will implement for *Aristida portoricensis* the Federal protection and recovery provisions afforded by the Act.

EFFECTIVE DATE: September 1, 1990.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 and at the Service's Southeast Regional Office, Suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851-7297) or Mr. Tom Turnipseed at the Atlanta Regional Office address (404/331-3583 or FTS 841-3583).

SUPPLEMENTARY INFORMATION:

Background

Aristida portoricensis (pelos del diablo) was first collected in 1903 from Cerro Las Mesas, Mayaguez, in

southwestern Puerto Rico. In 1927 this endemic grass was reported by José I. Otero from the nearby Guanajibo area and later from Hormigueros; however, these collection sites have not since been relocated. Both populations appear to have been eliminated as a result of urban and commercial development (Department of Natural Resources 1989; McKenzie et al. 1989).

Today, *Aristida portoricensis* is known from only two locations on serpentine slopes and red clay soils of southwestern Puerto Rico: Cerro Las Mesas and the Sierra Bermeja. Recent expansion of residential areas has eliminated portions of the Cerro Las Mesas population and very few plants remain at this site. In both areas *Aristida portoricensis* is threatened by residential and agricultural expansion; however, in the Sierra Bermeja a proposal for the mining of copper and gold threatens the species as well. In the Sierra Bermeja, a small range of coastal hills in the extreme southwestern corner of the island, the species is scattered along the upper slopes where it is found growing on exposed rock crevices (Liogier and Martorell 1982; McKenzie et al. 1989).

The tufted culms of *Aristida portoricensis* may reach 30 to 50 centimeters (12 to 20 inches) in height. These culms occur in large bunches and are slender, erect or spreading at the base. The blades are involute, somewhat curved or flexuous and from 5 to 10 centimeters (2 to 4 inches) long and scarcely 1 millimeter (less than 1/16 inch) wide when rolled. The panicles, from 3 to 8 centimeters (1 to 3 inches) in length, are narrow, loose, and few-flowered. The few, distant branches are stiffly ascending and mostly floriferous from the base. The glumes are awn-pointed, the first about 7 millimeters (3/4 inch) long, the second approximately 10 millimeters (3/8 inch) in length. The lemma is from 10 to 12 millimeters (3/8 to 1/2 inch) long, including the 1 millimeter (less than 1/16 inch) long callus and the 2 to 3 millimeters (1/8 to 1/4 inch) long slightly twisted scabrous neck. The awns are almost equal, divergent or horizontally spreading, 2 to 3 centimeters (3/4 to 1 1/4 inches) long and

slightly contorted at the base (Hitchcock 1936).

Aristida portoricensis was recommended for Federal listing by Smithsonian Institution (Ayensu and DeFilipps 1978). The species was included among the plants being considered as endangered or threatened species by the Service, as published in the Federal Register (45 FR 82480) dated December 15, 1980; the November 28, 1983, update of the 1980 notice (48 FR 53680); and the September 27, 1985, revised notice (50 FR 39526). The species was designated Category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) in each of the three notices.

In a notice published in the Federal Register on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. The Service subsequently made petition findings in each October from 1983 through 1988 that listing *Aristida portoricensis* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. The final finding required by the Act was completed when the Service proposed listing *Aristida portoricensis* on October 10, 1989 (54 FR 41473).

Summary of Comments and Recommendations

In the October 10, 1989, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the *San Juan Star* on October 29, 1989, and in the *El Dia* on November 3, 1989. Two letters of comment were received and are discussed below. A public hearing was neither requested nor held.

The U.S. Army Corps of Engineers, Jacksonville District, reported that they did not have any action proposed or under consideration which might affect *Aristida portoricensis*. The Puerto Rico Department of Natural Resources, Terrestrial Ecology Section, supported the listing of *Aristida portoricensis* as an endangered species.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Aristida portoricensis* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Aristida portoricensis* Pilger (pelos del diablo) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. Destruction and modification of habitat have been, and continue to be, significant factors reducing the numbers of *Aristida portoricensis*. Once more widely distributed throughout the southwestern part of Puerto Rico, it is now known to occur on only two sites. The expansion of residential development threatens to eliminate the few remaining individuals on Cerro Las Mesas. The Sierra Bermeja area is one of several areas currently included in the copper and gold mining proposal under consideration by the Commonwealth of Puerto Rico. The area is also subject to intense pressure for residential development. Land clearing to enhance cattle grazing operations has already destroyed some habitat formerly occupied by *Aristida portoricensis* in the Sierra Bermeja (McKenzie et al. 1989).

B. Overutilization for commercial, recreational, scientific, or educational purposes. Taking for these purposes has not been a documented factor in the decline of this species.

C. Disease or predation. Disease and predation have not been documented as factors in the decline of this species.

D. The inadequacy of existing regulatory mechanisms. The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Aristida portoricensis* is not yet on the Commonwealth list. Federal listing

would provide immediate protection and, if the species is ultimately placed on the Commonwealth list, enhance its protection and possibilities for funding needed research.

E. Other natural or manmade factors affecting its continued existence. One of the most important factors affecting the continued survival of *Aristida portoricensis* is its limited distribution. Only two populations are known to exist and one of these has been almost totally eliminated. Introduced grasses, widely planted for grazing purposes, may have excluded this endemic grass from parts of its past range (McKenzie et al. 1989).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Aristida portoricensis* as endangered. The species is restricted to only two locations in southwestern Puerto Rico, both of which are imminently threatened by habitat destruction and modification. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for this species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act requires that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The number of individuals of *Aristida portoricensis* is sufficiently small that vandalism could seriously affect the survival of the species. Publication of critical habitat descriptions and maps in the *Federal Register* would increase the likelihood of such activities. The Service believes that Federal involvement in the areas where this plant occurs can be identified without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will also be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it would not now be prudent to determine critical habitat for *Aristida portoricensis*.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered

Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. The protection required for Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for *Aristida portoricensis*, as discussed above, Federal involvement is not expected where the species is known to occur.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State (Commonwealth) law or regulation, including State (Commonwealth) criminal trespass law.

Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.82 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for *Aristida portoricensis* will ever be sought or issued, since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, Virginia 22203-3507, [703/358-2104].

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination

was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

Ayensu, E.S., and R.A. Defilippis. 1978. Endangered and threatened plants of the United States. Smithsonian Institution and World Wildlife Fund, Washington, DC. xv + 403 pp.
 Department of Natural Resources. 1989. Natural Heritage Program status information on *Aristida portoricensis*. San Juan, Puerto Rico.
 Hitchcock, A.S. 1936. Manual of the grasses of the West Indies. U.S. Department of Agriculture, Miscellaneous Publication No. 243. Washington, DC. 439 pp.
 Liogier, H.A., and L.F. Martorell. 1982. Flora of Puerto Rico and adjacent islands: a systematic synopsis. University of Puerto Rico, Rio Piedras, Puerto Rico. 342 pp.
 McKenzie, P.M., R.E. Noble, L.E. Urbatsch, and G.R. Proctor. 1989. Status of *Aristida* (Poaceae) in Puerto Rico and the Virgin Islands. In press.

Author

The primary author of this final rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boqueron, Puerto Rico 00622, (809/851-7297).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations is amended, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3590; unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under Poaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.
 * * * * *
 (h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Poaceae—Grass family:						
<i>Aristida portoricensis</i>	Pelos del diablo	U.S.A. (PR)	E	398	NA	NA

Dated: July 19, 1990.
 Suzanne Mayer,
 Acting Director, Fish and Wildlife Service.
 [FR Doc. 90-18565 Filed 8-7-90; 8:45 am]
 BILLING CODE 4310-55-M

Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic published July 19, 1990 (55 FR 29370).

EFFECTIVE DATE: August 20, 1990.

FOR FURTHER INFORMATION CONTACT:
 Mark F. Godcharles, 813-893-3722.

In FR Doc. 90-16791 appearing in the issue of July 19, 1990, make the following correction:

On page 29370, under the "SUMMARY" heading, column 2, line 16, the information for "(4)" should read "makes the South Atlantic Fishery Management Council responsible for pre-season adjustments of total allowable catch and bag limits for the Atlantic migratory groups of king and Spanish mackerel and the Gulf of Mexico Fishery Management Council responsible for such adjustments for the Gulf migratory groups of king and Spanish mackerel."

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

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 900495-0175]

RIN 0648-AC77

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a portion of the preamble to the final rule to implement Amendment 5 to the

Dated: August 3, 1990.
 Michael F. Tillman,
 Acting Assistant Administrator for Fisheries,
 National Marine Fisheries Service.
 [FR Doc. 90-18562 Filed 8-7-90; 8:45 am]
 BILLING CODE 3510-22-M

50 CFR Part 646

[Docket No. 900798-0198]

Snapper-Grouper Fishery of the South Atlantic

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

ACTION: Emergency rule.

SUMMARY: The Secretary of Commerce (Secretary) announces an emergency rule that (1) Adds wreckfish to the management unit of the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), (2) establishes a fishing year for wreckfish commencing April 16, 1990, (3) establishes a commercial quota of 2 million pounds (907,194 kilograms)

for the fishing year that commenced April 16, 1990, and (4) establishes a catch limit of 10,000 pounds (4,536 kilograms) per trip. The intended effect of this rule is to respond to an emergency in the snapper-grouper fishery by reducing the fishing mortality of wreckfish.

EFFECTIVE DATES: August 3, 1990, through November 1, 1990.

ADDRESSES: Copies of documents supporting this action may be obtained from Robert A. Sadler, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Robert A. Sadler, 813-893-3722.

SUPPLEMENTARY INFORMATION: Snapper-grouper species are managed under the FMP, prepared by the South Atlantic Fishery Management Council (Council), and its implementing regulations at 50 CFR part 646, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). This rule implements emergency measures to conserve and manage wreckfish.

Background

Relatively little is known about wreckfish. This species can reach 220 pounds (100 kilograms), but has an average weight of about 30 pounds (13.6 kilograms). Wreckfish are pelagic for the earlier years of their life and are often associated with floating debris during that time. Adults are abyssal and are generally distributed from Newfoundland to Argentina; however, fishable concentrations have been found only in a limited area of the Blake Plateau, approximately 100 nautical miles off the coasts of South Carolina and Georgia.

The fishing grounds have depths ranging between 248 and 330 fathoms (450 and 600 meters), and are characterized by a rocky ridge having a vertical relief of over 27 fathoms (50 meters). The substrate in areas of the Blake Plateau exhibiting significant relief is generally composed of manganese-phosphate pavements, phosphorite slab, and coral banks. Wreckfish concentrations occur primarily on the manganese-phosphate bottoms. Portions of the fishing grounds characterized by an unevenness of the ridge are relatively unproductive, and further limit the area suitable for fishing.

The fishery began in 1987 with two vessels landing wreckfish in South Carolina and has since expanded to approximately 50 vessels. Fishermen who have been displaced from other heavily exploited or stressed fisheries, such as snapper-grouper, mackerel, shrimp, or swordfish, may enter the

wreckfish fishery, add to the rapidly increasing amount of effort, and cause additional stress on the fishery.

Initial catch rates were impressive, ranging between 10 and 12 thousand pounds (4.5-5.4 thousand kilograms) per 7-8 day trip. Catch rates for some of the more productive vessels now range upwards of 30 thousand pounds (13.6 thousand kilograms) for a 7-8 day trip. Several of the vessels operate with a very short interval between trips, resulting in disproportionately high catches. Trip limits should serve to more equitably distribute catch among the participants in the fishery.

The resource is harvested with modified "bandit" gear similar to that used on other members of the snapper-grouper complex; the gear normally consists of heavy duty hydraulic reels spooled with 1/8-inch (0.32-centimeter) cable and a terminal rig consisting of 50 pounds (22.7 kilograms) of weight and 8-12 large circle hooks baited with squid. The wreckfish harvest in 1987 was approximately 29 thousand pounds (13,154 kilograms), and has increased exponentially in succeeding years. The 1989 harvest level was 2 million pounds (907,194 kilograms) and that amount is expected to be exceeded in 1990, based on landings since January 1; landings from April 15 through June, 1990, were approximately 1.38 million pounds (749 thousand kilograms).

The geographically limited extent of the fishing grounds, the biological characteristics of wreckfish, the rapid increase in participation in the fishery, and lack of regulation make the fishery vulnerable to rapid depletion, and necessitate immediate action to prevent a resource collapse. The Council is preparing Amendment 3 to the FMP, which would establish a long-term management program for wreckfish. However, Amendment 3 has not yet been submitted to the Secretary for approval. Once submitted, the amendment could not be approved and implemented for several months because of the requirements for public notice and opportunity for public comment. In response to the need for timely action, the Council requested that NMFS implement an emergency rule to control the harvest or possession of wreckfish in or from the Exclusive Economic Zone (EEZ).

Emergency Management Measures

This emergency rule (1) adds wreckfish to the management unit of the FMP, (2) establishes a fishing year beginning April 16, 1990, (3) establishes a quota of 2 million pounds (907,194 kilograms) for the 1990/1991 fishing year, and (4) establishes a trip limit of

10,000 pounds (4,536 kilograms) per vessel.

Taxonomically, wreckfish are closely related to groupers and, until recently, were included in the family Serranidae. They are fished primarily from vessels that formerly fished for other species in the snapper-grouper fishery and that have modified their "bandit" gear. They are also similar to groupers in flavor and texture and are marketed as "wreck grouper." Accordingly, the addition of wreckfish to the snapper/grouper management unit is appropriate.

Existing regulations applicable to the snapper-grouper fishery of the south Atlantic (50 CFR part 646) will have little impact on the wreckfish fishery as a result of adding wreckfish to the management unit. There is a possibility that a vessel might fish with a trawl for royal red shrimp and with modified "bandit" gear for wreckfish on the same trip. Under the existing regulations, a vessel with trawl gear aboard is limited to 200 pounds (90.72 kilograms) of fish in the snapper-grouper fishery aboard. Because trawling for royal red shrimp occurs offshore in relatively deep water, it is not incompatible with the general prohibition on trawling for snapper-grouper; in this emergency rule, for the purpose of determining when a vessel with trawl gear aboard is in a directed snapper-grouper fishery, the weight of wreckfish will not be considered when determining the total weight of fish in the snapper-grouper fishery.

Wreckfish reportedly spawn from mid-January until mid-April. A fishing year commencing after the spawning season protects the spawning population in the likely event that the quota is harvested and the fishery is closed before mid-January. April 16, 1990, is the commencement date for monitoring wreckfish harvests against the quota.

A quota of 2 million pounds (907,194 kilograms) stabilizes the harvest at the 1989 level and reduces the probability of a resource collapse, while minimizing economic impacts on the participants in the fishery. A smaller quota, when combined with the trip limits, would cause an unnecessarily severe impact on the existing fishery. A higher quota would encourage further increases in effort, and would contribute to depletion of the limited resource.

Vessel trip limits provide for more equitable distribution of the quota among fishermen and preclude more efficient vessels from harvesting a disproportionate share of the quota. Notwithstanding a rapid increase in the number of vessels in the fishery, the trip limits will also distribute the catch over

a greater period of time, allow more extensive coverage for the collection of biological information, and maintain competitive price levels by stabilizing the market.

The Council found that the lack of management of wreckfish in the EEZ constitutes an emergency. The Secretary concurs. Accordingly, the Secretary amends the FMP on an emergency basis and promulgates this emergency rule to be effective for 90 days, as authorized by sections 305(e)(2)(B) and (e)(3)(B) of the Magnuson Act. Upon agreement of the Secretary and the Council, the emergency amendment and rule may be extended for an additional period of not more than 90 days. The fishing year, quota, and closure provisions established by this emergency rule are consistent with management measures expected to be submitted by the Council in Amendment 3 to the FMP.

Classification

The Secretary has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

This emergency rule is exempt from the normal review procedures of E.O. 12291 as provided in section 8(a)(1) of that order. It is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the regular procedures of that order.

This rule is exempt from the requirements of the Regulatory Flexibility Act for preparation of a regulatory flexibility analysis because no general notice of proposed rulemaking for this rule is required by law.

The Assistant Administrator for Fisheries, NOAA, prepared an environmental assessment (EA) for this action which concludes that there will be no significant impact on the human environment. A copy of the EA is available from the address above.

The Secretary 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 Florida, North Carolina, and South Carolina. Georgia does not have an approved coastal zone management program. These determinations have been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12812.

The Secretary finds for good cause (i.e., to prevent fishing that would seriously interfere with necessary protection of the wreckfish resource) that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment on this rule, or to delay for 30 days its effective date, under the provisions of sections 553(b)(B) and (d)(3) of the Administrative Procedure Act.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 3, 1990.

Michael F. Tillman,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 646 is amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

1. The authority citation for part 646 continues to read as follows:

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

2. In § 646.2, effective from August 3, 1990, through November 1, 1990, in the definition of *Fish in the snapper-grouper fishery*, after the listing of Snappers—Lutjanidae, a new family and species are added; and a new definition of *Trip* is added in alphabetical order to read as follows:

§ 646.2 Definitions.

* * * * *

Fish in the snapper-grouper fishery means the following species:

* * * * *

Temperate basses—Percichthyidae
Wreckfish—*Polyprion americanus*

* * * * *

Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

3. In § 646.6, effective from August 3, 1990, through November 1, 1990, new paragraphs (q), (r), and (s) are added to read as follows:

§ 646.6 Prohibitions.

* * * * *

(q) After a closure, harvest or possess wreckfish in or from the EEZ, or

purchase, barter, trade, offer for sale, or sell wreckfish taken from the EEZ, as specified in § 646.25(b)(2).

(r) Possess wreckfish in or from the EEZ in excess of 10,000 pounds (4,536 kilograms), as specified in § 646.25(c)(1).

(s) Transfer wreckfish at sea, as specified in § 646.25(c)(2).

4. A new § 646.25 is added to subpart B, effective from August 3, 1990, through November 1, 1990, to read as follows:

§ 646.25 Wreckfish limitations.

(a) *Fishing year.* The fishing year for wreckfish begins on April 16, 1990, and each April 16 thereafter, and ends on April 15.

(b) *Quota and closure.* (1) Persons fishing for wreckfish are subject to a quota of 2 million pounds (907,194 kilograms) each fishing year.

(2) When the quota is reached, or is projected to be reached, the Secretary will publish a notice to that effect in the *Federal Register*. After the effective date of such notice, for the remainder of the fishing year, wreckfish may not be harvested or possessed in or from the EEZ and the purchase, barter, trade, offer for sale, and sale of wreckfish taken from the EEZ is prohibited. This prohibition does not apply to trade in wreckfish that were harvested, landed, and bartered, traded or sold prior to the effective date of the notice in the *Federal Register* and were held in cold storage by a dealer or processor.

(c) *Trip limit.* (1) No vessel on any trip may possess wreckfish in or from the EEZ in excess of 10,000 pounds (4,536 kilograms).

(2) Wreckfish taken in the EEZ may not be transferred at sea; and wreckfish may not be transferred at sea in the EEZ, regardless of where such wreckfish were taken.

(d) *Trawl gear waiver.* The provisions of § 646.22(c)(1) notwithstanding, for the purpose of determining when a vessel is in a directed snapper-grouper fishery, the weight of wreckfish will not be considered when determining the total weight of fish in the snapper-grouper fishery abroad.

[FR Doc. 90-18561 Filed 8-3-90; 3:30 pm]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 900511-0111]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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