

Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for 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. The proposed rule would extend the jurisdiction of the Salmon Fishery Management Plan (FMP) to the EEZ waters west of 175° E. long, so that it is consistent with the provisions of Amendment 3 to the FMP. This proposed rule will have no effect on any small entities because there is no domestic salmon fishery in these waters, there has not been any domestic salmon fishing in these waters for 40 years, and NMFS expects no salmon fishing to develop in these waters in the foreseeable future. As a result, an initial regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, International organizations, Recordkeeping and reporting.

Dated: July 17, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 et. seq., 1801 et. seq., and 3631 et. seq.

2. In § 679.1, paragraph (i) is revised to read as follows:

§ 679.1 Purpose and scope.

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(i) Fishery Management Plan for the Salmon Fisheries in the EEZ off the

Coast of Alaska (Salmon FMP). (1) Regulations in this part govern fishing for salmon by fishing vessels of the United States in the Salmon Management Area.

(2) State of Alaska laws and regulations that are consistent with the Salmon FMP and with the regulations in this part apply to vessels of the United States that are fishing for salmon in the Salmon Management Area.

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3. In § 679.2, the definition for “High Seas Salmon Management Area” is removed; the definitions for “Commercial fishing,” paragraph (1); “Optimum yield” paragraph (1); and “Personal use fishing,” are revised and the definition for “Salmon Management Area” is added, alphabetically to read as follows:

§ 679.2 Definitions.

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Commercial fishing means:

(1) For purposes of the salmon fishery, fishing for salmon for sale or barter.

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Optimum yield means:

(1) With respect to the Salmon Fishery, that amount of any species of salmon that will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, as specified in the Salmon FMP.

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Personal use fishing means, for purposes of the salmon fishery, fishing other than commercial fishing.

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Salmon Management Area means the waters of the EEZ off the coast of Alaska (see Figure 23 to part 679), including parts of the North Pacific Ocean, Bering Sea, Chukchi Sea, and Beaufort Sea. The Salmon Management Area is divided into a West Area and an East Area with the border between the two at the longitude of Cape Suckling (143° 53' 36" W):

(1) The West Area is the area of the EEZ off the coast of Alaska west of the longitude of Cape Suckling (143° 53' 36"

W.) It includes the EEZ in the Bering Sea, Chukchi Sea, and Beaufort Sea, as well as the EEZ in the North Pacific Ocean west of Cape Suckling.

(2) The East Area is the area of the EEZ off the coast of Alaska east of the longitude of Cape Suckling (143° 53' 36" W.).

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4. In § 679.7, paragraph (h) is revised to read as follows:

§ 679.7 Prohibitions.

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(h) *Salmon fisheries.* (1) Fish for, take, or retain any salmon in violation of this part. (2) Engage in fishing for salmon in the Salmon Management Area defined at § 679.2 and Figure 23 to this part, except to the extent authorized by § 679.4(h).

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§§ 679.3 and 679.4 [Amended]

5. In addition to the amendment set out above, in 50 CFR part 679, remove the words “High Sea Salmon” and add in their place the word “Salmon” in the following places:

a. In § 679.3:

The heading for paragraph (f), introductory text, (f)(1), and (f)(3).

b. In § 679.4:

Paragraph (a)(1)(v),

The heading and paragraph (h) introductory text,

Paragraphs (h)(1), (h)(1)(iii), (h)(3), (h)(4), (h)(5)(i), (h)(5)(i)(A), (h)(5)(i)(B), (h)(5)(i)(C), (h)(5)(ii), (h)(6) introductory text, (h)(6)(iv), (h)(7)(i), (h)(8), (h)(10),

The heading for paragraph (h)(13) introductory text,

Paragraphs (h)(13)(i), (h)(13)(ii)(A), (h)(13)(ii)(E), (h)(14)(i), (h)(15)(i), (h)(15)(iii), (h)(15)(vii), (h)(16)(i).

§ 679.4 [Amended]

6. In § 679.4(h)(2), remove the words “High Seas Management Area” and add in their place the words “Salmon Management Area.”

7. In part 679, Figure 23 is added to read as follows:

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