

Council proposes similar regulations in the EEZ off Florida to protect these species and to enhance compliance by using compatible state and Federal regulations.

**Limits on Hogfish and Larger Cubera Snapper**

The bag limits for hogfish and harvest and possession limits for cubera snapper larger than 30 inches (76.2 cm), total length, would decrease fishing mortality and enhance the spawning potential of these species. If further measures are required, the Council may propose them through the framework procedure.

**Size Limit for Gray Triggerfish**

The minimum size limit for gray triggerfish will enhance the spawning potential of gray triggerfish off Florida and increase the yield-per-recruit. Again, additional measures may be proposed under the framework procedure.

The Council's recommended changes are within the scope of the management measures that may be adjusted by the framework procedure referred to at 50 CFR 646.27 and specified in the FMP. The Director, Southeast Region, NMFS, initially concurs that the Council's recommended changes are consistent with the objectives of the FMP, the national standards, and other applicable law. Accordingly, the Council's recommended changes are published for comment.

**Additional Change Proposed by NMFS**

NMFS proposes to retitle and reorganize § 646.25 for clarity, without substantive change.

The changes in this proposed rule are based on the text of 50 CFR part 646 as amended in the final rule to implement Amendment 7 to the FMP, published on December 23, 1994 (59 FR 66270).

**Classification**

This action 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, because no participants in the fishery, all of whom are small entities, (1) are expected to incur losses in gross revenues exceeding 5 percent, (2) would incur significant capital costs of compliance—such costs would be much less than 5 percent of total costs of

production, and (3) would be expected to be forced to cease business. As a result, a regulatory flexibility analysis was not prepared.

**List of Subjects in 50 CFR Part 646**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 8, 1995.

**Gary Matlock,**

*Program Management Officer, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 646 is proposed to be amended as follows:

**PART 646—SNAPPER-GROUPER FISHERY OFF THE SOUTHERN ATLANTIC STATES**

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

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

2. In § 646.2, a new definition of "Off Florida" is added, in alphabetical order, to read as follows:

**§ 646.2 Definitions.**

\* \* \* \* \*

*Off Florida* means the waters off the east coast from a line extending directly east from the seaward terminus of the Georgia/Florida boundary (30°42'45.6" N. lat.) to the boundary between the Atlantic Ocean and the Gulf of Mexico, as specified in § 601.11(c) of this chapter.

\* \* \* \* \*

3. In § 646.7, paragraphs (pp)(2) and (pp)(3) are redesignated as paragraphs (pp)(3) and (pp)(4), respectively; in newly designated paragraph (pp)(4), the reference to "§ 646.25(e)" is revised to read "§ 646.25(d)"; text for paragraph (bb), previously reserved, is added; and new paragraph (pp)(2) is added to read as follows:

**§ 646.7 Prohibitions.**

\* \* \* \* \*

(bb) Harvest or possess cubera snapper 30 inches (76.2 cm), total length, or larger in or from the EEZ off Florida in excess of the limits specified in § 646.21(k)(1).

\* \* \* \* \*

(pp) \* \* \*

(2) Cubera snapper, as specified in § 646.21(k)(3);

\* \* \* \* \*

4. In § 646.21, new paragraphs (a)(1)(ix) and (k) are added to read as follows:

**§ 646.21 Harvest limitations.**

(a) \* \* \*

(1) \* \* \*

(ix) Gray triggerfish off Florida—12 inches (30.5 cm), total length.

\* \* \* \* \*

(k) *Cubera snapper harvest and possession limit.*

(1) No person may harvest in the EEZ off Florida more than two cubera snapper 30 inches (76.2 cm), total length, or larger per day and no more than two such cubera snapper in or from the EEZ off Florida may be possessed aboard a vessel at any time.

(2) A person who fishes in the EEZ off Florida may not combine the harvest and possession limit specified in paragraph (k)(1) of this section with the bag and possession limit applicable to Florida's waters.

(3) A cubera snapper 30 inches (76.2 cm), total length, or larger taken in the EEZ off Florida may not be transferred at sea, regardless of where such transfer takes place; a cubera snapper 30 inches (76.2 cm), total length, or larger may not be transferred at sea in the EEZ off Florida, regardless of where such cubera snapper was taken.

5. In § 646.23, paragraph (b)(2) is revised and new paragraph (b)(6) is added to read as follows:

**§ 646.23 Bag and possession limits.**

\* \* \* \* \*

(b) \* \* \*

(2) Snappers, excluding cubera snapper 30 inches (76.2 cm), total length, or larger in or from the EEZ off Florida and excluding vermilion—10, of which no more than 2 may be red snapper. (See § 646.21(k) for limitations on cubera snapper 30 inches (76.2 cm), total length, or larger in or from the EEZ off Florida.)

\* \* \* \* \*

(6) Hogfish in or from the EEZ off Florida—5.

\* \* \* \* \*

6. Section 646.25 is revised to read as follows:

**§ 646.25 Commercial limitations.**

(a) *Trip limits.* Persons who are not subject to the bag limits and who fish in the EEZ on a trip are subject to the following vessel trip limits. (See § 646.23(a)(1) for applicability of the bag limits.)

(1) Snowy grouper (whole weight or gutted weight, that is, eviscerated but otherwise whole):

(i) Until the fishing year quota specified in § 646.24(b) is reached, 2,500 lb (1,134 kg).

(ii) After the fishing year quota specified in § 646.24(b) is reached, 300 lb (136 kg).

(2) Golden tilefish (whole weight or gutted weight, that is, eviscerated but otherwise whole):