

50 CFR Part 285

[Docket No. 960816226-6226-01; I.D. 080596C]

RIN 0648-AJ04

Options for the Angling Category Season for the Atlantic Bluefin Tuna Fishery

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

ACTION: Advanced notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: NMFS is considering whether a change in the opening date of the Angling category season for the Atlantic bluefin tuna (ABT) fishery from January 1 to June 1 of each year should be proposed. NMFS is also considering whether an amendment to the regulations governing the ABT fishery should be proposed to enable the Assistant Administrator for Fisheries (AA) to close and reopen the Angling category in identified areas in order to ensure equitable fishing opportunities.

DATES: Written comments on this ANPR must be received on or before September 23, 1996.

ADDRESSES: Written comments should be addressed to William Hogarth, Acting Chief, Highly Migratory Species Management Division (F/CM4), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: William Hogarth, 301-713-2347.

SUPPLEMENTARY INFORMATION:

Historically, the Angling category fishing season for ABT has commenced January 1 of each year. Since 1992, the school size subcategory has been divided between a "north" and a "south" area quota, with the division at Delaware Bay. In the last few years, harvests of ABT during winter months have increased, causing the southern portion of the school bluefin quota and the annual quota of large school and small medium ABT to be reached earlier than usual. As a result, fishing opportunities for fishermen further north are greatly diminished.

Implementation of a June 1 opening may help ensure fishing opportunities to fishermen participating in the more

northern ABT fisheries. This date would coincide with the commencement of the General category season. Fishing for ABT from January 1 to May 31 would be allowed under the tag and release program only.

Current regulations state that the AA is required to monitor catch and landings statistics and close a fishery when it is projected that the quota has been attained. Another regulation enables the AA to adjust the daily catch limit in order to effect a fair allocation of fishing opportunities. However, since the regulations do not provide for geographic or temporal distribution, there is no way to assure equitable fishing opportunities to all areas.

The regulations could be amended to allow the AA, upon determining that variations in seasonal distribution, abundance, or migration patterns of ABT, and the catch rate, may prevent fishermen in an identified area from harvesting a portion of the quota, to close the Angling category and reopen it at a later date, when the bluefin have migrated to the identified area.

Request for Comments

NMFS requests comments on a change in the opening date of the Angling category season to June 1 and on a provision that would allow the AA to close and reopen the Angling category in identified areas in order to ensure equitable fishing opportunities. Comments received on this ANPR would serve as the basis for drafting proposed regulations for any changes to the Angling category season.

Authority: 16 U.S.C. 971 *et seq.*

Dated: August 16, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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50 CFR Part 648

[I.D. 081696D]

Fisheries of the Northeastern United States; Amendment 9 to the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Resubmission of Disapproved Measure

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS issues this notice to advise that the Mid-Atlantic Fishery Management Council (Council) has resubmitted a modification of the previously disapproved commercial quota measure contained in Amendment 9 to the Fishery Management Plan for the Summer Flounder, Scup and Black Sea Bass Fisheries (FMP), for Secretarial approval and to request comments from the public.

DATES: Comments must be received on or before September 19, 1996.

ADDRESSES: Send comments to Dr. Andrew A. Rosenberg, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on the Resubmitted Black Sea Bass Measure."

Copies of the resubmission portion of Amendment 9 and other supporting documents 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: The Magnuson Fishery Conservation and Management Act (Magnuson Act)(16 U.S.C. 1801 *et seq.*) requires each regional fishery management council to submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. The Magnuson Act also requires the Secretary, upon receiving the plan or amendment, to publish immediately notification that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or amendment.

On July 19, 1996, NMFS, on behalf of the Secretary, upon preliminary evaluation of Amendment 9, as authorized in section 304(a)(1)(A) of the Magnuson Act, disapproved the provision proposed in Amendment 9 that would have implemented a state by state commercial quota for black sea bass in 1998. The Council has revised this provision and, under section 304(b)(3)(A) of the Magnuson Act, submitted for Secretarial review, a proposed measure that would implement a quarterly coastwide quota with trip limits that would be allocated to the commercial black sea bass fishery from Maine through North Carolina.

Day 1 of this rule is August 16, 1996. Proposed regulations for this provision are scheduled to be published within 15 days.

Authority: 18 U.S.C. 1801 et seq.

Dated: August 19, 1996.

Richard H. Schaefer,
*Director, Office of Fisheries Conservation and
Management, National Marine Fisheries
Service.*

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