

managed respectively under the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico (Gulf) and the Coastal Migratory Pelagic Resources of the Gulf and South Atlantic (FMPs). The FMP for the Gulf of Mexico reef fish resources was prepared by the Council; the FMP for coastal migratory pelagic resources was prepared jointly by the Council and the South Atlantic Fishery Management Council. Both FMPs were implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622. The FMPs regulate these two recreational-for-hire fisheries and require permits for charter and headboat vessels participating in them. Landings of the vessels are regulated through bag, possession, and size limits. There also is a recreational quota for red snapper.

In both the red snapper and king mackerel fisheries, the recreational sector, including recreational-for-hire vessels, has frequently exceeded the allocations set for that sector when total allowable catch (TAC) is set annually. To prevent the recreational sector from exceeding its allocation, the Council must either reduce the bag limits or take some other action to reduce the effort and/or landings (e.g., seasonal closures, increased size limits). Reduction of the bag limits is the most effective way to control landings, but such reductions have adverse economic impacts on the recreational-for-hire vessels. When the bag limit is reduced to a lower level, some of the clientele of these vessels cease to fish and to pay for fishing trips. The Council is, therefore, considering limited entry or other effort limitation programs for recreational-for-hire vessels.

Implementation of an effort limitation program for these recreational-for-hire fisheries in the EEZ would require preparation of amendments to the FMPs by the Council and publication of proposed implementing rules with a public comment period. NMFS' approval of the amendments and issuance of final implementing rules also would be required.

As the Council considers management options, including limited entry or access-controlled regimes, some fishermen who do not currently participate in the recreational-for-hire fisheries, and have never done so, may decide to enter the fisheries for the sole purpose of establishing a record of landings. When management authorities begin to consider use of a limited access management regime, this kind of speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully

developed or overdeveloped. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants.

In order to avoid this problem, if management measures to limit participation or effort in the fisheries are determined to be necessary, the Council is considering November 18, 1998, as the control date. After that date, anyone entering these recreational-for-hire fisheries may not be assured of future participation in the fisheries if a management regime is developed and implemented limiting the number of fishery participants.

The Council previously established a control date of October 16, 1995, (60 FR 53576, October 16, 1995) for the recreational-for-hire fishery for Gulf king mackerel. It is the Council's intent that the November 18, 1998 control date established by this advance notice of proposed rulemaking supersede the October 15, 1995, control date for that sector of the fishery.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the recreational-for-hire fisheries. Fishermen are not guaranteed future participation in these fisheries, regardless of their entry date or intensity of participation in the fisheries before or after the control date under consideration. The Council subsequently may choose a different control date or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen active in the fisheries before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be applied for entry. The Council also may choose to take no further action to control entry or access to the fisheries, in which case the control date may be rescinded.

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

Dated: November 12, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 110998F]

RIN 0648-AJ33

Fisheries of the Northeastern United States; Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan; Amendments to Address the Sustainable Fisheries Act Requirements and Other Measures

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) has submitted Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan (Amendment 7) for Secretarial review and is requesting comments from the public. Included in Amendment 7 are the new Sustainable Fisheries Act requirements for Atlantic sea scallops. **DATES:** Comments must be received on or before January 19, 1999. **ADDRESSES:** Comments on the proposed amendment should be sent to Jon C. Rittgers, Acting Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Amendment 7 to the Atlantic Sea Scallop FMP."

Copies of Amendment 7, its regulatory impact review, initial regulatory flexibility analysis, the final supplemental environmental impact statement, and the supporting documents for Amendment 7 are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273.

SUPPLEMENTARY INFORMATION:

Amendment 7 proposes to: (1) Establish a 10-year stock rebuilding schedule; (2) initiate a new overfishing definition and rebuilding target for Atlantic sea scallops; (3) revise the specification of optimum yield; (4) continue the Mid-Atlantic closed areas, with a sunset date of March 1, 2001; (5) implement a system for closing and opening areas to improve yield per recruit; (6) establish an annual monitoring and adjustment

system to ensure stock rebuilding; and (7) add measures to those that the Council may implement through the framework adjustment process.

A proposed rule that would implement Amendment 7 may be published in the **Federal Register** for public comment, following NMFS' evaluation of the proposed rule under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act. Public comments on the proposed rule must be received by the end of the comment period on Amendment 7 to be considered in the approval/disapproval decision on the FMP amendment. All comments received by January 19, 1999, whether specifically directed to the FMP amendment or the proposed rule, will be considered in the approval/disapproval decision. Comments received after that date will not be considered in the approval/disapproval decision on the FMP amendment.

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

Dated: November 12, 1998.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 110698B]

RIN 0648-AK21

Fisheries off West Coast States and in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Amendment 5

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

ACTION: Notice of availability of a fishery management plan amendment; request for comments.

SUMMARY: NMFS announces that the Western Pacific Fishery Management Council (Council) has submitted Amendment 5 to the Fishery Management Plan for Bottomfish and Seamount Groundfish of the Western Pacific Region (FMP) for Secretarial review. Amendment 5 would establish a

limited access program for the Mau Zone bottomfish fishery in the eastern portion of the Northwestern Hawaiian Islands (NWHI). The Mau Zone, which is one of two bottomfish management subareas in the NWHI, encompasses an area between 161°20' and 165° 00' W. longitude in the U.S. exclusive economic zone around the Hawaiian Islands. This action is intended to conserve and support the long-term productivity of the bottomfish stocks by preventing the potential for excessive harvest capacity and to improve the low economic returns in the fishery.

DATES: Written comments on the amendment must be received on or before January 19, 1999.

ADDRESSES: Written comments should be sent to Charles Karnella, Administrator, Pacific Islands Area Office, NMFS, 2570 Dole Street, Room 106, Honolulu, HI 96822-2396. Copies of Amendment 5, including its Regulatory Impact Review and Environmental Assessment, are available from Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, Fishery Management Specialist, Pacific Islands Area Office, NMFS at (808) 973-2985 or Kitty Simonds at (808) 522-8220.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any amendment to a fishery management plan it has prepared to NMFS for review, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a notice that the amendment is available for public review and comment. NMFS will consider all public comments received during the comment period in determining whether to approve the amendment for implementation.

Amendment 5 would (1) restrict participation in the Mau Zone bottomfish fishery to vessel owners who hold limited access permits; (2) adopt, based on biological and economic factors, a long-term target number of 10 vessels that would be allowed to fish for bottomfish in the Mau Zone; (3) establish qualifying criteria for allocating initial limited access permits based on historic participation in the

fishery (December 17, 1991, control date) and landings of bottomfish from the Mau Zone up to December 31, 1996; (4) prohibit the transfer, lease, charter, or sale of permits to reduce the number of vessels in the fishery in order to achieve the target number; (5) revoke limited access permits issued to partnerships or corporations upon a change in more than 50 percent ownership in the permitted vessel or its replacement; (6) limit the amount of time a permit holder may register a limited access permit for use with a leased or chartered vessel; (7) limit the length of replacement vessels to 60 ft (18.3 m); (8) require permit holders to make a minimum of five landings of at least 500 lb (227 kg) each of bottomfish management unit species each year from the Mau Zone to qualify for permit renewal; (9) require the Council to undertake a 5-year comprehensive review of the limited access program to determine its effectiveness in meeting the objectives of the FMP; (10) have the Council develop criteria to allow new entry into the Mau Zone when the number of permitted vessels falls below 10; and (11) reserve 20 percent of the long-term target number of limited access permits, i.e., two permits, for a Western Pacific Community Development Program that may be developed by the Council and approved by the Secretary of Commerce. Amendment 5 describes the above measures in detail, including such other requirements as establishing a fee for processing Mau Zone permits, specifying an appeals process for permit actions, and prohibiting the retention of incidentally caught bottomfish in the Mau Zone without a limited access permit.

Public comments on Amendment 5 must be received by January 19, 1999 to be considered by NMFS in the decision to approve/disapprove Amendment 5. A proposed rule to implement Amendment 5 has been submitted for Secretarial review and approval. NMFS expects to publish the proposed rule and request public comment on the proposed regulations in the near future.

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

Dated: November 13, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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