

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 072699D]

RIN 0648-AL81

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Compliance with Sustainable Fisheries Act Provisions for Management Plans in the Gulf of Mexico; Generic Amendment to the Fishery Management Plans of the Gulf of Mexico Region

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

ACTION: Notice of availability of a generic amendment to fishery management plans for the Gulf of Mexico Region; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted to NMFS its Generic Sustainable Fisheries Act Amendment (SFA Amendment) to the fishery management plans of the Gulf of Mexico for review, approval, and implementation. This amendment would set standards regarding overfishing levels and stock rebuilding on which future management measures will be based. Written comments are requested from the public.

DATES: Written comments must be received on or before October 18, 1999.

ADDRESSES: Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the amendment, which includes a regulatory impact review and an environmental assessment, should be sent to the Gulf of Mexico Management Council, The Commons at Rivergate, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; phone: 813-228-2815; fax: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Roy Crabtree, NMFS; phone: 727-570-5305; fax 727-570-5583.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires Regional Fishery Management Councils to submit proposed fishery management plans (plans) or amendments to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon

receiving a plan or amendment from a Council, immediately publish a document in the **Federal Register** stating that the plan or amendment is available for public review and comment. This document constitutes such notice for the SFA Amendment.

In 1998, NMFS published the National Standard Guidelines to assist Regional Fishery Management Councils in: Describing fisheries and fishing communities; establishing criteria to determine when a stock is overfished; proposing measures to prevent or end overfishing and rebuild overfished stocks; and assessing bycatch and proposing measures to minimize bycatch (63 FR 24212, May 1, 1998). The Council developed its SFA Amendment based on these guidelines.

The SFA Amendment describes Gulf of Mexico fishing communities; these descriptions are based on existing U.S. Census data and information about regional landings and about fishing participants in various fisheries for each of the Gulf of Mexico coastal states. The Council believes that these community descriptions are based on the best available information and comply with the national standard guidelines.

The SFA Amendment describes bycatch in Gulf fisheries and reflects the Council's conclusion that measures currently in place already minimize bycatch and bycatch mortality to the extent practicable. Under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, the Council has required bycatch reduction devices to minimize bycatch of red snapper and other species in shrimp trawls fished in the exclusive economic zone west of Cape San Blas, Florida. Under the FMP for stone crab, the Council's SFA Amendment proposes changes in the construction of stone crab pots intended to reduce finfish bycatch. Under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, the Council is phasing out fish traps in the reef fish fishery by 2007, in part to reduce bycatch. Under the Fishery Management Plan for Coastal Migratory Pelagic Species of the Gulf of Mexico and South Atlantic, minimum mesh sizes are required for gillnets in the coastal migratory pelagics fishery to reduce bycatch.

NMFS' Marine Recreational Fisheries Statistics Survey provides information on bycatch in the recreational fisheries. The SFA Amendment discusses additional measures to improve bycatch reporting. The Council anticipates that cooperative state-Federal programs developed or under development by the Gulf States Marine Fisheries Commission will provide adequate

information on bycatch for all fisheries within the Council's area of jurisdiction. NMFS intends to improve bycatch reporting by requiring it in all commercial logbooks by January 1, 2001.

The SFA Amendment specifies fishing targets and overfishing thresholds for each FMP. For stocks other than shrimp and spiny lobster, static spawning potential ratio (SPR) proxies are used to define maximum sustainable yield (MSY), optimal yield (OY), and maximum fishing mortality thresholds (MFMT). For penaeid shrimp, MSY, OY, and MFMT are specified in numbers of spawning individuals remaining after the fishery. For royal red shrimp, MSY is specified as a range in pounds/kilograms, as recommended by the Crustacean Stock Assessment Panel; however, in its discussion of MSY, the Council expresses its view that the proposed MSY may be an underestimate of the true MSY. For spiny lobster, MSY, OY, and MFMT are specified as transitional SPR based on spawning biomass per recruit rather than based on fecundity. For stone crab, SPR is identified as realized egg production per recruit as a percentage of potential egg production in the unfished state. In general, SPR proxies for OY are greater than those for MSY, and MFMT is a fishing mortality rate set at the SPR rate equal to MSY (i.e. F_{MSY}). The SPR proxies for the parameters MSY, OY, and MFMT within each of the following fisheries—shrimp, red drum, Nassau grouper, jewfish, and stone crab—are the same. The SPR values for the three parameters for the above listed species are higher than those for other stocks, i.e., they are more conservative than those for other stocks. For shrimp, MSST is specified as the number of spawning individuals remaining after the annual fishery; for stone crab an SPR proxy is specified for MSST. MSST is not specified for other stocks but will be incorporated through the framework procedures of the Council's FMPs as MSST estimates are derived.

The SFA Amendment would establish rebuilding periods for red snapper (period of 1999-2033) and Gulf-group king mackerel (period of 1999-2009). The Council states that data are insufficient to develop rebuilding schedules for Nassau grouper, jewfish, or red drum but that such schedules would be specified and implemented through the framework procedures of its FMPs as such schedules are developed.

The SFA Amendment briefly addresses the Magnuson-Stevens Act requirement to describe fishing sectors and to quantify trends in landings by

sector. The SFA Amendment states that with the exception of the charter sector, trends in landings have been previously quantified for all FMPs except those for stone crab and spiny lobster. The amendment includes recently prepared descriptions of the Florida west-coast stone crab fishery and the Florida spiny lobster fishery.

The SFA Amendment would adopt the construction characteristics of stone crab traps set forth in Chapter 46-13.002(2)(a) of Florida law.

The SFA Amendment would modify the existing Council FMPs' framework procedures for regulatory adjustments. These framework procedures provide a streamlined rulemaking process that allows the Council to propose additional or modified measures under an FMP and for NMFS to approve and implement them without an FMP amendment. The amendment would add the following measures to those that can be implemented under the framework procedures: Biomass-based estimates for MSY, OY, and MSST; new estimates of MFMT; and rebuilding schedules for reef fish. The Council would use the modified framework procedures when estimates of these added measures are provided by NMFS, reviewed by the Stock Assessment Panels, and adopted by the Council.

In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the SFA Amendment, the Magnuson-Stevens Act, and other applicable law. Comments received by [insert date 60 days after date of publication in the FEDERAL REGISTER], whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the SFA Amendment. NMFS will not consider comments received after that date in this decision. NMFS will address in the final rule all comments received on the amendment or the proposed rule during their respective comment periods.

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

Dated: August 12, 1999.

Bruce C. Morehaed,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 990811217-9217-01; I.D. 061899A]

RIN 0648-AM82

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Fishery; Regulatory Adjustment

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

ACTION: Proposed rule; public hearings; request for comments.

SUMMARY: NMFS proposes to amend the regulations governing the Atlantic highly migratory species (HMS) fisheries to remove the 250 metric ton (mt) limit on allocating Atlantic bluefin tuna (BFT) landings quota to the Purse Seine category. Without this restriction, the annual allocation of BFT to the Purse Seine category would be 18.6 percent of the total landings quota available to the United States. The proposed regulatory amendments are necessary to achieve domestic management objectives for HMS fisheries. NMFS received extensive comment on this issue during the comment period for the rule to implement the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (FMP) and during a recent meeting of the HMS Advisory Panel (AP). However, NMFS will hold two public hearings to receive additional comments from fishery participants and other members of the public regarding these proposed amendments.

DATES: Comments are invited and must be received on or before September 27, 1999. The public hearings dates are:

1. Wednesday, September 1, 1999, 3:30-6:00 p.m. in Silver Spring, MD.
2. Tuesday, September 7, 1999, 7:00-9:00 p.m. in Fairhaven, MA.

ADDRESSES: Comments on the proposed rule should be sent to, Rebecca Lent, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282. Copies of supporting documents, including a Draft Environmental Assessment (EA), which includes a Draft Regulatory Impact Review (RIR), are available from Pat Scida, Highly Migratory Species Management Division, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930.

The public hearing locations are:

1. Silver Spring (Wednesday, September 1, 1999), NMFS, SSMC III - Room 4527, 1315 East-West Highway, Silver Spring, MD 20910.
2. Fairhaven (Tuesday, September 7, 1999), Seaport Inn, 110 Middle Street, Fairhaven, MA 02719.

FOR FURTHER INFORMATION CONTACT: Mark Murray-Brown, 978-281-9260.

SUPPLEMENTARY INFORMATION: Atlantic tunas are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). ATCA authorizes the Secretary of Commerce (Secretary) to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA). Within NMFS, daily responsibility for management of Atlantic HMS fisheries rests with the Office of Sustainable Fisheries, and is administered by the HMS Management Division.

Background

Based on the 1998 revised stock assessment, parties at the 1998 meeting of ICCAT adopted a 20-year west Atlantic BFT rebuilding program, beginning in 1999 and continuing through 2018. ICCAT has adopted an annual total allowable catch (TAC) for western Atlantic BFT of 2,500 mt whole weight (ww), inclusive of dead discards, to be applied annually until such time as the TAC is changed based on advice from the Standing Committee on Research and Statistics. The annual landing quota allocated to the United States was set at 1,387 mt ww. Regulations at 50 CFR 635.27 subdivide the U.S. BFT quota recommended by ICCAT among the various domestic fishing categories.

On May 28, 1999, NMFS published in the **Federal Register** (64 FR 29090) final regulations, effective July 1, 1999, implementing the HMS FMP that was adopted and made available to the public in April 1999. The HMS FMP and the implementing regulations established percentage quota shares for the ICCAT-recommended U.S. BFT landing quota for each of the domestic fishing categories. These percentage shares were based on historical allocations as had been adjusted in recent years. In the final rule, NMFS adopted a limit (cap) on the amount of the annual quota that would be