

CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The FMP covers black sea bass off the southern Atlantic states south of 35°15.3' N. lat. (due east of Cape Hatteras Light, NC). Pots may not be used south of 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL). Current regulations on black sea bass pots (1) require a permit for their use, (2) require vessel and gear identification, (3) prohibit their use in special management zones and the Oculina Bank habitat area of particular concern, and (4) specify construction requirements.

The black sea bass fishery is prosecuted mainly in the EEZ off North and South Carolina. Although most black sea bass are caught by pots, some are taken by hook and line. Action to control entry into the hook-and-line fishery for black sea bass is not contemplated at this time.

Implementation of an effort limitation program for the black sea bass pot fishery in the EEZ would require preparation of an amendment to the FMP by the Council and publication of a proposed implementing rule with a public comment period. NMFS' approval of the amendment and issuance of a final rule would also be required.

As the Council considers management options, including limited entry or access-controlled regimes, some fishermen who do not currently harvest black sea bass by pots, and have never done so, may decide to enter the fishery for the sole purpose of establishing a record of commercial 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 fishery are determined to be necessary, the Councils are considering [insert date of publication in the Federal Register], as the control date. After that date, anyone entering the commercial black sea bass pot fishery may not be assured of future participation in the fishery if a management regime is developed and implemented limiting the number of fishery participants.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the black sea bass pot fishery. Fishermen are not guaranteed future participation in this fishery, regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The Council may subsequently choose a different control date or they 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 fishery before and after the control date. Other qualifying criteria, such as documentation of commercial 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 fishery, in which case the control date may be rescinded.

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

Dated: April 17, 1997.

**Rolland A. Schmitten,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[I.D. 041597C]

RIN 0648-AG25

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 8

**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 Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) have submitted Amendment 8 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP) for review, approval, and implementation by NMFS. Written comments are requested from the public.

**DATES:** Written comments must be received on or before June 23, 1997.

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

Requests for copies of Amendment 8, which includes an environmental assessment, a regulatory impact review, and an initial regulatory flexibility analysis, should be sent to the South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: (803) 571-4366; Fax: (803) 769-4520 or to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; Phone: 813-228-2815; Fax: 813-225-7015.

**FOR FURTHER INFORMATION CONTACT:** Mark Godcharles, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit any fishery management plan or amendment to the Secretary of Commerce for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a document in the **Federal Register** stating that the amendment is available for public review and comment.

Amendment 8 would: (1) Add two new fishery problems to be addressed by the FMP (i.e., localized reduction of fish abundance due to high fishing pressure and disruption of markets); (2) establish a moratorium on the issuance of commercial vessel permits for king or Spanish mackerel; (3) specify allowable gear in the fisheries for coastal migratory pelagic resources; (4) revise the FMP's definition of optimum yield (OY); (5) revise the earned income requirement for a commercial vessel permit for king or Spanish mackerel; (6) extend the management area for cobia to include the exclusive economic zone off the coastal states from, and inclusive of, Virginia through New York; (7) allow the retention of up to five cut-off (e.g., barracuda-damaged) king mackerel in excess of an applicable commercial trip limit; (8) establish commercial trip limits for Atlantic group king mackerel; and (9) revise the FMP framework procedure for adjusting management measures to: (a) Remove from the framework procedure a provision for subdividing Gulf migratory group king mackerel into eastern and western subgroups when sufficient stock assessment information is available; (b) require that the Council's stock

assessment panel provide additional information on spawning potential ratios (SPRs), recruitment trends, and other biological information on the managed stocks as well as current estimates of the mix of Atlantic and Gulf migratory groups of king mackerel in the mixing zone for use in tracking quotas; (c) revise the FMP's definition of "overfishing" and "overfished" and provide for rebuilding overfished stocks to OY target levels; (d) clarify the type and timing aspects of the stock assessment panel's preparation of stock assessments and reports, which serve as the scientific basis for panel recommendations and Council fishery management decisions; (e) add

management measures that may be established or modified by the framework procedure; (f) allow setting zero bag limits; (g) clarify the authority of the NMFS Regional Administrator to close fisheries for which a seasonal quota has been established; and (h) add or revise other provisions.

A proposed rule to implement Amendment 8 has been received from the Councils. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule and may publish it in the **Federal Register** for public review and comment.

Comments received by June 23, 1997, whether specifically directed to the amendment or the proposed rule, will

be considered in the approval/disapproval decision on Amendment 8. Comments received after that date will not be considered in the approval/disapproval decision. All comments received on Amendment 8 or on the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: April 18, 1997.

**Bruce Morehead,**

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