

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622****[I.D. 082096D]****Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands**

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

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

SUMMARY: NMFS announces that the Caribbean Fishery Management Council (Council) has submitted the Fishery Management Plan for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (FMP) for review, approval, and implementation by NMFS. Written comments are requested from the public.

DATES: Written comments must be received on or before October 18, 1996.

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 FMP, which includes a regulatory impact review, an initial regulatory flexibility analysis, a social impact assessment, and a final environmental impact statement, should be sent to the Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918-2577, telephone 787-766-5926, FAX 787-766-6239.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813-570-5305.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that a council-prepared fishery management plan (plan) be submitted to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving a plan, immediately publish notification that it is available for public review and comment.

The FMP would: (1) Require that a Caribbean conch resource be landed in its shell; (2) prohibit the possession or sale of queen conch less than 9 inches

(22.9 cm) in total length and less than 3/8 inch (9.5 mm) in lip width at its widest point; (3) establish a recreational daily bag limit of 3 queen conch per person, or 12 queen conch per boat if more than 4 persons are aboard; (4) establish a daily harvest limit of 150 queen conch per licensed commercial fisherman; (5) prohibit taking of queen conch from July 1 through September 30; and (6) prohibit the taking of queen conch by diving while using a device that provides a continuous air supply from the surface. The FMP and its implementing rule should rebuild the overfished queen conch resources by protecting the spawning stock and reducing fishing effort. Proposed regulations to implement the FMP are scheduled for publication within 15 days.

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

Dated: August 23, 1996.

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

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50 CFR Part 648**[I.D. 082296B]****Fisheries of the Northeastern United States; Amendment 5 to the Atlantic Sea Scallop Fishery Management Plan**

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

ACTION: Notice of availability and request for comments.

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) has submitted Amendment 5 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery (FMP) for Secretarial review and is requesting comments from the public. Amendment 5 would temporarily close a 9 mi² (23.31 km²) site to support a scallop aquaculture research project. The intended effect of the closure would be to prevent conflicts between fishing gear and project equipment for the limited duration of the research project.

DATES: Comments must be received on or before October 21, 1996.

ADDRESSES: Send comments to Dr. Andrew A. Rosenberg, Regional Director, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on Scallop FMP." Copies of proposed Amendment 5, its Regulatory Impact Review, Initial Regulatory Flexibility Analysis, and the Environmental Assessment are available from Christopher Kellogg, Acting Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 508-281-9273.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act) (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or amendment it prepares to NMFS, on behalf of the Secretary of Commerce for review. The Magnuson Act also requires that NMFS, upon receiving the plan or amendment for review, immediately make a preliminary evaluation of whether the amendment is sufficient to warrant continued review and publish a notice that the plan or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the plan or amendment.

Amendment 5, if approved, would: (1) Close a 9 mi² (23.31 km²) site to mobile fishing gear and partially close the site to non-mobile gear for an 18-month period, and (2) temporarily exempt certain vessels from fishing regulations.

Day 1 of Amendment 5 is August 22, 1996. Proposed regulations to implement this amendment are scheduled to be published in the Federal Register within 15 days of this date.

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

Dated: August 23, 1996.

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

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