

selective in catching the appropriate sized whiting in accordance with whiting resource management strategies.

EFPs would be issued to the participating vessels in both experiments in accordance with the conditions stated therein, and will exempt vessels from the mesh size, days-at-sea, and other gear restrictions of the Northeast Multispecies Fishery Management Plan.

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

Dated: April 8, 1999.

Gary C. Matlock,

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

[FR Doc. 99-9313 Filed 4-13-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 033199C]

RIN 0648-AM15

Fisheries of the Gulf of Mexico; Amendment 16B to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Amendment 16B)

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

ACTION: Notice of availability of Amendment 16B to the FMP for the reef fish resources of the Gulf of Mexico; request for comments.

SUMMARY: Amendment 16B would authorize size limits for banded rudderfish, lesser amberjack, cubera snapper, dog snapper, mahogany snapper, mutton snapper, schoolmaster, scamp, gray triggerfish, and hogfish; exclude banded rudderfish, lesser amberjack, dwarf sand perch, sand perch, and hogfish from the 20-fish aggregate (combined) reef fish bag limit; authorize new bag limits for hogfish, speckled hind, warsaw grouper, and for banded rudderfish and lesser amberjack combined; remove queen triggerfish from the Reef Fish FMP and authorize removal from the applicable regulations; and eliminate the distinction between species in the management unit and species in the fishery, but not included in the management unit. The intended effect of Amendment 16B is to conserve and manage the reef fish resources of the Gulf of Mexico.

DATES: Written comments must be received on or before June 14, 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 FMP, which includes an Environmental Assessment and a Regulatory Impact Review, should be sent to the Gulf of Mexico Fishery Management Council (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: Dr. Roy E. Crabtree, 727-570-5305, fax 727-570-5583.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act, requires each Regional Fishery Management Council to submit any FMP or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a FMP or amendment, immediately publish a document in the **Federal Register** stating that the FMP or amendment is available for public review and comment.

Amendment 16B would authorize more conservative bag and size limits for several reef fish species and improve consistency with Florida state regulations, thereby improving enforcement. Fish trap phase-out measures that were the subject of public hearings as part of draft Amendment 16, and approved by the Council, were included in Amendment 16A, which was partially approved by NMFS on March 18, 1999.

Minor Amberjack Measures

A 1996 NMFS stock assessment suggests that the number of young greater amberjack has decreased steadily since 1991. In addition, anecdotal information from anglers along Florida's Gulf coast suggests that greater amberjack have decreased in size and abundance in recent years. In response to this information, the Council developed Amendment 12 to the Reef Fish FMP, which established a 1-fish bag limit for greater amberjack, and Amendment 15 to the FMP, which established a seasonal closure of the commercial fishery. Greater amberjack are also subject to minimum size limits of 28 inches (71.1 cm) fork length for the recreational fishery and 36 inches (91.4 cm) for the commercial fishery.

Juvenile greater amberjack, lesser amberjack, and banded rudderfish are difficult to distinguish and are often confused by the public; consequently, misidentified juvenile greater amberjack may be landed as lesser amberjack or banded rudderfish, species that are currently unregulated. Therefore, the Council believes that additional protection for juvenile greater amberjack is warranted. The intent of Amendment 16B is to reduce the harvest of misidentified juvenile greater amberjack by limiting the harvest of these minor amberjack species. The word "minor" used by the Council in Amendment 16B is not intended to reflect on the significance of these measures; instead it refers to the species banded rudderfish and lesser amberjack.

In Reef Fish Amendment 12 the Council proposed to apply an aggregate bag limit and a minimum size limit of 28 inches (71.1 cm) to greater amberjack, lesser amberjack, and banded rudderfish. These proposed actions would have effectively eliminated the recreational harvest of banded rudderfish and lesser amberjack because these species rarely, if ever, reach 28 inches (71.1 cm). The Council did not present this aspect of the measure as a deliberate, direct allocation; however, the effect of the measure would have been to shift the allocation of these species from principally recreational to entirely commercial. Therefore, this aspect of the measure would have operated as the functional equivalent of a direct allocation, and NMFS considered this allocation unfair and inequitable. Accordingly, NMFS disapproved this portion of Amendment 12 based on national standard 4 of the Magnuson-Stevens Act, which requires that allocations of fishing privilege be fair and equitable to all fishermen.

Amendment 16B would authorize new bag and size limits that should reduce the harvest of banded rudderfish, lesser amberjack, and misidentified greater amberjack while continuing to allow a limited recreational harvest. Amendment 16B would authorize: (1) Establishment of a "slot limit" of 14 inches (35.6 cm) (minimum) to 22 inches (55.9 cm) (maximum) fork length for the commercial and recreational harvest of banded rudderfish and lesser amberjack; and (2) establishment of a 5-fish aggregate bag limit for banded rudderfish and lesser amberjack and exclude both species from the 20-fish aggregate reef fish bag limit.

Species Not Listed in the Management Unit

Since its inception, the FMP has included two lists of reef fishes: One of species in the management unit and another of species in the fishery, but not included in the management unit. The designation of species in the fishery, but not included in the management unit was originally intended for data collection purposes only; however, the existence of two lists has created confusion regarding which species are subject to regulations. Amendment 16B would eliminate the distinction in the FMP between these two lists and create a single list of "species in the reef fish FMP," which identifies the reef fish management unit. There are only four reef fish species that are "species in the fishery but not in the management unit"—sand perch, dwarf sand perch, queen triggerfish, and hogfish. Amendment 16B would include hogfish, dwarf sand perch, and sand perch in the management unit and remove queen triggerfish from the FMP. Amendment 16B would authorize removal of queen triggerfish from the regulations implementing the FMP, and thus allow Florida to regulate vessels registered in the State of Florida and fishing for that species in the exclusive economic zone (EEZ) under that state's more conservative management measures. Although queen triggerfish occur rarely or occasionally throughout the Gulf of Mexico, they are abundant only off Florida and are seldom landed outside Florida.

Florida Compatible Size and Bag Limits

Florida has established bag limits and size limits for several reef fish species for which there are either no corresponding limits in the EEZ, or for which the Federal limits differ from the state limits. In response to a request from the Florida Marine Fisheries Commission (FMFC) that the Council consider implementing size and bag limits consistent with those in Florida state waters, the Council proposes new compatible bag and size limits. In a November 3, 1994, letter the FMFC provided to the Council biological

information that formed the basis for Florida's regulations. Although limited, the best scientific information available to the Council, and the precautionary approach to fisheries management, indicate a need for greater protection for these species. The Council concluded that bag and size limits compatible with Florida's would be the most effective means of achieving greater protection, because compatible regulations would facilitate compliance and enforcement. Furthermore, the Council states that with the possible exception of gray triggerfish, Florida accounts for most of the recreational and commercial landings of these species. The proposed minimum size limit for gray triggerfish is based on a 1995 NMFS stock assessment, and, thus, it is an appropriate measure to extend throughout the Gulf EEZ.

Amendment 16B would authorize the establishment of the following minimum size limits: cubera snapper (12 inches (30.5 cm), total length (TL)), dog snapper (12 inches (30.5 cm), TL), mahogany snapper (12 inches (30.5 cm), TL), schoolmaster (12 inches (30.5 cm), TL), mutton snapper (16 inches (40.6 cm), TL), scamp (16 inches (40.6 cm), TL), gray triggerfish (12 inches (30.5 cm), TL), and hogfish (12 inches (30.5 cm), fork length). In addition, Amendment 16B would authorize the establishment of a 5-fish bag limit for hogfish, exclude hogfish from the 20-fish aggregate reef fish bag limit, and clarify that sand perch and dwarf sand perch are excluded from the 20-fish aggregate bag limit. Sand perch and dwarf sand perch are often used as bait, and there is no evidence to suggest their stocks are in need of management.

Speckled Hind and Warsaw Grouper

The NMFS Office of Protected Resources has added speckled hind and warsaw grouper to the list of candidates for possible listing as threatened or endangered under the Endangered Species Act. Candidate status does not afford any specific level of additional protection for a species, but it does reflect a significant level of concern regarding a species' status. Amendment

16B would authorize the establishment of a recreational bag limit of one speckled hind and one warsaw grouper per vessel. These new restrictions would also prohibit the sale of these species by the recreational sector because the FMP and existing regulations prohibit the sale of reef fish subject to bag limits. The commercial harvest of warsaw grouper and speckled hind would continue and be limited by the deep-water grouper quota. The Council believes that because warsaw grouper and speckled hind are usually caught in relatively deep water, the mortality rate of released fish is high; consequently, closure of the fishery would provide little additional protection. Furthermore, the Council states that commercial vessels do not target these species, and since the intent is to eliminate targeting of these species, additional restrictions on the commercial fishery are not needed.

A proposed rule to implement Amendment 16B has been completed. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish that finding in the **Federal Register** for public review and comment.

Comments received by June 14, 1999, whether specifically directed to Amendment 16B or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the FMP. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on Amendment 16B or 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 8, 1999.

Gary C. Matlock,

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

[FR Doc. 99-9314 Filed 4-13-99; 8:45 am]

BILLING CODE 3510-22-F