

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Parts 285, 630, and 678

[I.D. 071698B(2)]

RIN 0648-AJ67

## Atlantic Highly Migratory Species Fisheries

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

**ACTION:** Notice of availability of a draft fishery management plan (FMP); request for comments.

**SUMMARY:** NMFS announces the submission of the draft Fishery Management Plan for Atlantic Highly Migratory Species (HMS) for Secretarial review. The draft HMS FMP integrates existing management for the Atlantic tunas, swordfish, and shark fisheries, defines overfishing criteria, develops rebuilding management strategies, describes and identifies essential fish habitat (EFH), and establishes framework procedures for regulatory changes.

**DATES:** Written comments on the draft HMS FMP must be received on or before January 25, 1999.

**ADDRESSES:** Written comments on the draft HMS FMP should be sent to, and copies of the document are available from, Rebecca Lent, Chief, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD, 20910.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin at (301) 713-2347.

**SUPPLEMENTARY INFORMATION:** Beginning January 1, 1992, the Secretary of Commerce (Secretary) was granted the authority to manage Atlantic tunas under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*). To date, no FMP has been implemented for tunas, and Atlantic tunas have been managed under the authority of the Atlantic Tunas Convention Act (ATCA, 16 U.S.C. 971 *et seq.*). Atlantic tunas regulations are found at 50 CFR part 285. The Atlantic swordfish fishery is managed under an FMP implemented on September 18, 1985, and its implementing regulations

at 50 CFR part 630, under the authority of the Magnuson-Stevens Act and ATCA. Atlantic sharks are managed under an FMP, implemented on February 25, 1993, under the authority of the Magnuson-Stevens Act, with regulations published at 50 CFR part 678.

Upon implementation of the HMS FMP, the Secretary will issue Atlantic tunas and North Atlantic swordfish regulations under the authority of both the Magnuson-Stevens Act and ATCA. Regulations issued under the authority of ATCA carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The South Atlantic swordfish stock is not included in this draft FMP because its range does not extend into the Exclusive Economic Zone of the United States. Therefore, the South Atlantic swordfish will be managed solely under ATCA. Because Atlantic sharks are not subject to ICCAT management recommendations, they will continue to be managed solely under authority of the Magnuson-Stevens Act.

If approved, the HMS FMP will integrate management for Atlantic tunas, swordfish, and sharks, replacing the existing FMPs. This draft FMP was developed in coordination with the development of Amendment 1 to the Atlantic Billfish FMP. The HMS FMP will define overfishing status determination criteria, which designate western Atlantic bluefin tuna, North Atlantic swordfish, and large coastal sharks of the Atlantic as overfished. NMFS has developed a domestic rebuilding strategy that identifies biomass and fishing mortality targets, and proposes a suite of management alternatives designed to reduce fishing mortality, bycatch, and bycatch mortality. Preferred alternatives include measures to rebuild overfished fisheries in timeframes consistent with guidelines for implementation of national standard 1 of the Magnuson-Stevens Act, to control fishing effort and allocate domestic landing quotas, and to address issues of safety at sea, enforcement, permitting, reporting, and catch monitoring. NMFS does not identify a preferred alternative for bluefin tuna stock rebuilding in the draft FMP because new information on stock status and/or recovery trajectories from the recent 1998 assessment, as well as negotiations at the 1998 ICCAT meeting, could result in development of

new rebuilding alternatives for the bluefin tuna stock. The preferred alternative for bluefin tuna rebuilding will be identified following the November 1998 ICCAT meeting. NMFS will publish the preferred alternative and associated analyses as an addendum to the draft FMP, and will propose measures to implement the preferred alternative in a separate rulemaking. In addition, EFH is described and identified for Atlantic tunas, sharks, and swordfish.

All existing management measures are retained under the draft FMP. Modifications to measures are proposed as preferred alternatives. Should NMFS determine that further changes are necessary once the FMP is final, they will be made through the FMP amendment process or through rulemaking as described in the FMP framework provisions.

In a separate document to be published in the **Federal Register**, NMFS will propose regulations to implement the preferred alternatives specified in the draft HMS FMP. During the comment period on the proposed rule, NMFS will hold public hearings on the draft FMP and on the proposed implementing regulations. The dates and locations of these public hearings will be published in the **Federal Register** at a later date. In addition to the other measures, NMFS specifically requests comments on the designation of *Sargassum* as EFH for Atlantic HMS, and on the effect of spotter plane use on bluefin tuna catch rates. The draft FMP does not propose measures relating to spotter planes; however, NMFS is conducting further analyses and is collecting information on the issue. NMFS also seeks determinations from coastal states on whether the preferred management measures would be consistent with the existing or planned state regulations and should be applicable in state waters. All comments on the FMP 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.* and 16 U.S.C. 971 *et seq.*

Dated: October 21, 1998.

**Gary C. Matlock,**

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