

Corporation, Columbia Millimeter Communications, L.P., and Microwave Partners Emergency Joint Motion for Extension of Time to File Comments and Reply Comments (filed January 11, 1996); TIA Motion for Extension of Time (filed January 11, 1996); WinStar Motion for Extension of Time (filed January 16, 1996).

4. GEC's Motion, filed January 17, 1996, requests that the Commission extend the deadline for filing comments (currently February 12, 1996) by 60 days, and reply comments (currently February 27, 1996) by 45 days. WinStar's Petition for Reconsideration, filed January 19, 1996, requests that the deadline for filing comments be extended by 90 days and for filing reply comments by 45 days. TIA's Motion, filed January 22, 1996, requests that the Commission extend the deadline for filing reply comments by 20 days. No opposition to these requests has been filed to date.

5. GEC seeks its requested extension because of the complexity and volume of explicit comment sought in the NPRM and Order, 61 FR 2452 and 61 FR 2465 (January 26, 1996). GEC contends that the NPRM and Order contains almost 100 distinct issues ranging from competitive bidding procedures to modifications of technical rules, and proposals that are new to the record and unfamiliar to many affected parties. WinStar seeks an extension of time so that they may conduct engineering and economic research and analysis. Finally, TIA seeks an extension in order to respond meaningfully to complex studies and reply comments.

6. In light of the complexity of the issues raised in the NPRM and Order, we agree with GEC, Winstar and TIA that the public interest would be served by granting an extension. We nevertheless remain concerned about avoiding a substantial delay in the resolution of issues presented in this proceeding. Thus, we believe that a 20-day extension of the comment period combined with an extended reply comment period is appropriate.

Ordering Clauses

7. Accordingly, it is hereby ordered that the Motions for Extension of Time filed by GEC and TIA and the Petition for Reconsideration filed by Winstar are hereby granted to the extent stated herein.

8. It is further ordered that the Motions for Extension of Time set forth supra at paragraph 2 are hereby dismissed as moot.

9. It is further ordered, pursuant to Section 1.46 of the Commission's Rules, 47 CFR § 1.46, that the deadline for

filing comments in this proceeding is extended from February 12, 1996 to March 4, 1996, and that the deadline for filing reply comments is extended from February 27, 1996 to April 1, 1996.

10. This action is taken pursuant to authority found in Sections 4 (i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 (i) and 303, and Sections 0.131 and 0.332 of the Commission's Rules, 47 CFR §§ 0.131 and 0.332. For further information, contact Jennifer Burton, Private Wireless Division, (202) 418-0680.

Federal Communications Commission
Robert H. McNamara,
Chief, Private Wireless Division, Wireless
Telecommunications Bureau.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Chapter VI

[I.D. 021296A]

Mid-Atlantic Fishery Management Council; Hearings on the Black Sea Bass Fishery Management Plan

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

ACTION: Public hearings; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public hearings to allow for input on the proposed Fishery Management Plan for the Black Sea Bass Fishery (FMP).

DATES: Written comments will be accepted on or before April 2, 1996. The hearings will be held during the months of February and March. See **SUPPLEMENTARY INFORMATION** for times and dates of hearings.

ADDRESSES: Send comments to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904. The public hearings will be held in Virginia, New Jersey, North Carolina, Maryland, Rhode Island, Massachusetts, and New York. See **SUPPLEMENTARY INFORMATION** for the locations of the hearings.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, (302) 674-2331.

SUPPLEMENTARY INFORMATION: The FMP, prepared by the Council, is intended to manage the black sea bass (*Centropristis*

striata) fishery pursuant to the Magnuson Fishery Conservation and Management Act of 1976, as amended. The management unit consists of black sea bass in U.S. waters in the western Atlantic Ocean from Cape Hatteras, NC, northward to the U.S.-Canadian border. The objectives of the FMP are to: (1) Reduce fishing mortality in the black sea bass fishery to ensure that overfishing does not occur; (2) reduce fishing mortality on immature black sea bass to increase spawning stock biomass; (3) improve the yield from the fishery; (4) promote compatible management regulations between state and Federal jurisdictions; (5) promote uniform and effective enforcement of regulations; and (6) minimize regulations to achieve the management objectives stated above.

Overfishing for black sea bass is defined as fishing in excess of the F_{max} level. Based on current conditions in the fishery, F_{max} is 0.29 (an annual exploitation rate of 23 percent).

The recovery strategy calls for minimum fish sizes and commercial gear regulations in years 1 and 2. In years 3 to 5, target exploitation rates would be 48 percent for black sea bass. In years 6 and 7, the target exploitation rates would be 37 percent and in year 8 and subsequent years, the target exploitation rate would be based on F_{max} .

Management Measures

The Council has adopted the following management measures for purposes of public hearings:

Years 1 and 2

1. A 9-inch (229 mm) total length (TL) minimum fish size in all fisheries. A maximum of a 5-percent tolerance by weight of undersized black sea bass would be allowed on vessels issued moratorium permits. Black sea bass less than 9 inches (229 mm) TL could not be sold.

2. The minimum otter trawl mesh size for vessels retaining more than 100 lb of black sea bass would be 4.0 inches (102 mm) (stretch mesh inside measure).

3. Black sea bass pots would be required to have a minimum escape vent of 1-1/8 inches (28 mm) x 6 inches (152 mm), or 2.5 inches (66 mm) in diameter. The escape vent provision would be implemented at the start of the first calendar year following FMP approval, so the fishers would not be required to pull their pots and rebuild them in the middle of the season.

Years 3 and Subsequent

1. A 10-inch (254-mm) TL minimum fish size in all fisheries that may be

adjusted annually on a framework basis. A maximum of a 5-percent tolerance by weight of undersized black sea bass would be allowed on vessels issued moratorium permits. Black sea bass less than 10 inches (254 mm) TL could not be sold.

2. Black sea bass pots would be required to have a minimum escape vent of 1-1/4 inches (32 mm) x 6 inches (152 mm), or 2.75 inches (70 mm) in diameter.

3. The minimum mesh size for vessels retaining more than 100 lb (45.36 kg) of black sea bass would be 4.5 inches (114 mm) (stretch mesh inside measure). The minimum mesh size may be adjusted annually on a framework basis.

4. Prior to year 3 and annually thereafter, the Council, working through a Monitoring Committee, would evaluate the success of the FMP relative to the overfishing reduction goal and propose adjustments to the management system. Beginning with year 3, additional measures would be implemented by the Director, Northeast Region, NMFS (Regional Director), based on the recommendations of the Council. Additional management measures could be any or all of the following:

a. *Commercial*: A coastwide commercial quota with Federal permit holders being prohibited from landing (selling) after the quota had been landed. Quota overruns would be deducted from the subsequent year. All states would need to prohibit black sea bass sales following a Federal sales prohibition.

b. *Recreational*: A coastwide possession limit, season, and recreational harvest limit. Landings in excess of the limit would be deducted from the harvest limit for the subsequent year.

For All Years

1. Operator permits for commercial and party and charter boats.

2. Vessel permits for party and charter boats.

3. Vessel permits for commercial vessels (permits to sell) under a moratorium on entry of additional

vessels into the fishery. Vessels with documented landings of black sea bass for sale between January 26, 1988, and January 26, 1993, qualify for a moratorium permit to land and sell black sea bass under this moratorium program.

4. Dealer permits (permits to purchase).

5. Permitted vessels may only sell to permitted dealers and permitted dealers may only buy from permitted vessels.

6. Party and charter boat, commercial vessel, and dealer reports.

7. The hinges and fasteners of one panel or door in black sea bass pots or traps must be made of one of the following degradable materials:

a. Untreated hemp, jute, or cotton string of 3/16-inch (4.8 mm) diameter or smaller;

b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners; or (c) ungalvanized or uncoated iron wire of 0.062-inch (1.6 mm) diameter or smaller.

8. A maximum size of 18 inches (457 mm) diameter for rollers used in roller rig trawl gear.

9. Special management zones around artificial reef areas.

Alternatives Considered But Not Adopted

1. Take no action at this time.

2. Seasonal closures for the commercial fishery.

3. Bimonthly commercial quotas with possible trip limits established by the Regional Director to reduce the length of closures.

4. State by state commercial quotas with possible trip limits established by the states to reduce the length of closure. 5. Individual transferable quotas.

6. Seasonal dependent minimum sizes in the commercial fishery: A 10-inch (254 mm) TL minimum size from October 1 - April 30 and a 9-inch (229 mm) TL minimum size for the rest of the year.

7. A threshold requirement to qualify for a moratorium permit.

8. Separate management measures for party/charter boat fishermen.

9. A 9-inch (229 mm) TL minimum fish size and a 3.5-inch (89 mm) minimum square mesh size in the otter trawl fishery when the vessel has 100 lb (45.36 kg) or more of black sea bass on board.

Hearings

All hearings will begin at 7 p.m., except the New York hearing, which begins at 7:30 p.m. The hearings will be tape recorded with the tapes filed as the official transcript of the hearing. The hearings are scheduled as follows:

1. February 26, 1996—Days Inn, 5807 Northampton Boulevard, Virginia Beach, VA.

2. February 26, 1996—Ocean Place Hilton, One Ocean Boulevard, Long Branch, NJ.

3. February 27, 1996—Cape May Extension Office, Dennisville Road, Cape May, NJ.

4. February 27, 1996—North Carolina State Aquarium, Airport Road, Manteo, NC.

5. February 28, 1996—Dunes Manor, 28th Street and the Ocean, Ocean City, MD.

6. March 5, 1996—Holiday Inn, Routes 1 and 138, S. Kingston, RI.

7. March 6, 1996—Massachusetts Maritime Academy, Academy Drive, Buzzards Bay, MA.

8. March 7, 1996—Holiday Inn, 3845 Veterans Memorial Highway, Ronkonkoma, NY.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at (302) 674-2331.

Dated: February 15, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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