measures specified under § 648.100(c) in accordance with the provisions of the Interstate Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries.

[FR Doc. 99–10900 Filed 4–29–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 041599B]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery

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

ACTION: Notice of availability of Amendment 1 to the Fishery Management Plan for Atlantic Bluefish (FMP); request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 1 to the Atlantic Bluefish FMP for Secretarial review and is requesting comments from the public. Amendment 1 would establish new management measures to control fishing mortality on Atlantic bluefish (bluefish) while addressing the new requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act (SFA). The intent of Amendment 1 is to eliminate overfishing and rebuild the Atlantic bluefish stock.

DATES: Comments must be received on or before June 29, 1999.

ADDRESSES: Send comments to Jon C. Rittgers, Acting Regional Administrator, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, Massachusetts 01930-3799. Mark the outside of the envelope: ''Comments on Amendment 1 to the Atlantic Bluefish Plan.''

Copies of Amendment 1, including the final environmental impact statement and regulatory impact review, are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 978–281–9104.

SUPPLEMENTARY INFORMATION: Amendment 1 would: revise the overfishing definition for Atlantic bluefish; implement a 9-year stock rebuilding schedule based on a staggered reduction of fishing mortality rate (F); specify a commercial quota with state allocations and a coastwide recreational harvest limit for the first year of the rebuilding schedule; implement permit and reporting requirements for commercial fishermen, dealers, and party/charter boat operators; establish a Bluefish Monitoring Committee; establish an annual adjustment process to meet fishing mortality rate objectives of the FMP; establish a framework adjustment process to change measures such as minimum fish size, gear restrictions, recreational seasons or bag limits, closed areas or commercial seasons; specify a *de minimus* commercial quota for certain states; and identify and describe essential fish habitat (EFH) of bluefish.

This amendment is intended to bring the Atlantic Bluefish FMP into conformance with the Magnuson-Stevens Act as amended by the SFA. The provisions in section 108(a) of the SFA require that Fishery Management Councils either add to or revise the required provisions of any fishery management plan prepared by a Council or the Secretary of Commerce to include the following provisions on: (1) bycatch reports (standardize reporting methods to assess the type and amount of bycatch in a fishery); (2) bycatch measures (develop management measures to minimize bycatch and mortality of bycatch); (3) commercial, recreational, and charter fishing sectors (specify data for each sector); (4) EFH (describe and identify EFH, minimize to the extent practicable adverse impacts from fishing, and identify other actions to encourage the conservation of such habitat); (5) fishing communities (assess in a fishery impact statement the likely effects of measures on fishing communities); (6) and overfishing (specify objective and measurable criteria for identifying whether a fishery is overfished, and include measures to prevent overfishing). Public comment is invited on the adequacy of Amendment 1 in meeting the requirements of section 108(a) of the SFA.

Overfishing Definition

Amendment 1 would revise the overfishing definition so that it is composed of two reference points to bring it into accordance with the new national standards of the Magnuson-Stevens Act, as amended by the SFA. The proposed overfishing definition for bluefish is: Overfishing occurs whenever F is greater than the F threshold = F_{msy} = 0.4; bluefish is overfished when biomass is less than 1/2B_{msy}=118.5 mil lb (53,750 mt). The long-term F target is 90 percent of Fmsy and the B_{target} is B_{msy}. No change to the regulatory text is necessary to change the overfishing definition.

Rebuilding Strategy

An additional requirement of the SFA is that stocks identified as overfished (i.e., stock biomass is less than minimum biomass threshold) must be rebuilt to the level that will produce B_{MSY} in as short a period as possible. The Council and Commission propose to rebuild the bluefish stock to the B_{MSY} level over a 9-year rebuilding period. The 9-year rebuilding schedule would eliminate overfishing and rebuild the stock through a graduated reduction in the F. The current F associated with MSY is F_{MSY}=0.4. In 1997, the F was estimated at F=0.51, so that overfishing was occurring.

For the first 2 years of the rebuilding plan (1999–2000), F would remain at the current level, F=0.51 and then would be reduced to F=0.41 in years 3–5 (2001–2003), and finally to F=0.31 in years 6–9 (2004–2007). During the rebuilding period, the target F for the next fishing year would be set at the level specified in the rate reduction schedule *or* the level estimated for the most recent year, whichever is less. Based on the overfishing definition, target F would continue to be at 90% F_{MSY} (F=0.36), once rebuilding is achieved. Amendment 1 proposes that commercial landings quotas and a recreational harvest limit are the chief measures to achieve these goals.

Essential Fish Habitat Designation

The Council identified and described EFH for various stages of the life cycle of bluefish, fishing impacts on EFH, non-fishing threats on EFH, and research recommendations relevant to a better understanding of EFH. The Council intends that the EFH designations for bluefish under this Amendment be reviewed and, if needed, updated at least every 5 years. Amendment 1 would authorize the revision of EFH components of the FMP through the FMP's framework process.

Management Measure Considered for Disapproval

De minimus Status

De minimus has been defined as a situation in which, under existing conditions of the stock and scope of the fishery, conservation and enforcement actions taken by an individual state

would be expected to contribute insignificantly to a coastwide conservation program required by a FMP or amendment. Amendment 1 proposes that any state that has commercial landings less than 0.1 percent of the total coastwide commercial landings in the last preceding year for which data are available would be eligible for *de minimus* status. The *de minimus* status would only apply to the commercial fishery, and any state granted *de minimus* status would be allocated 0.1 percent of the coastwide commercial quota. Further, Amendment 1 proposes that the sum of the allocation to *de minimus* states would be deducted from the coastwide commercial quota before the remainder of the quota is allocated to other states. The proposed measure to establish *de minimus* quota specifications is identical to the measure that NMFS disapproved in Amendment 8 and Amendment 10 to the Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass.

This measure would require an annual examination of state landings to determine if landings in that state during the preceding year for which data are available were less than 0.1 percent of the overall annual quota. If a state met this criterion, it would be granted *de minimus* status. This provision raises a number of concerns: the burdens of administering this provision could well outweigh its benefits; and lack of any clear obligation on the part of a *de minimus* state to close its fishery (i.e., prohibit landings) once its quota is harvested, could result in overfishing. These concerns will be considered in determining the approvability of this provision.

If *de minimus* status does not, at the very least, require a state to impose landing constraints, the provision may encourage owners of vessels that have not traditionally landed in that state to land amounts of bluefish much greater than they could land in their home port states. This could result in the state's *de minimus* quota being rapidly exceeded and compound the overfishing situation if a *de minimus* state is not required to close its fishery when its *de minimus* quota is harvested.

A proposed rule that would implement Amendment 1 may be published in the **Federal Register** for public comment, following an evaluation of the proposed rule by NMFS under the procedures of the Magnuson-Stevens Act. Public comments on the proposed rule must be received by the end of the comment period on Amendment 1 (see **DATES**) in order to be considered in the decision concerning approval or disapproval of the Amendment. All comments received by June 29, 1999, whether specifically directed to Amendment 1 or the proposed rule, will be considered in the approval/disapproval decision on Amendment 1. Comments received after that date will not be considered in the approval/disapproval decision on Amendment 1.

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

Dated: April 26, 1999.

Bruce Morehead,

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

[FR Doc. 99–10903 Filed 4–29–99; 8:45 am]

BILLING CODE 3510–22–F