

MADMF expects that 40 vessels will participate in the experimental fishery (4–6 vessels in the supplemental gear experiment), and that enrollment will be established similar to last year; historical participation and previous experience with the raised footope trawl gear operation played a role in the selection process. Further limitations on participation may be necessary depending on logbook compliance or enforcement issues identified through the NMFS review process.

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 during the specified seasons.

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

Dated: May 14, 1999.

Bruce C. Morehead,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 99051126–9126–01; I.D. 042999A]

RIN 0648–AM67

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic States; Dolphin and Wahoo Commercial Fisheries; Control Date

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

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: This document announces that the South Atlantic Fishery Management Council (South Atlantic Council) is considering additional management measures to limit entry

into the commercial fisheries for dolphin (*Coryphaena hippurus*) and wahoo (*Acanthocybium solandri*) in the exclusive economic zone (EEZ) off the South Atlantic states. Possible measures include the establishment of a limited entry program to control participation or effort in the commercial fisheries for dolphin and wahoo. If a limited entry program is established, the South Atlantic Council is considering May 21, 1999, as a possible control date.

Consideration of a control date is intended to discourage new entry into the fisheries based on economic speculation during the South Atlantic Council's deliberation on the issues. **DATES:** Comments must be submitted by June 21, 1999.

ADDRESSES: Comments should be directed to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306,

Charleston, South Carolina 29407; Fax: 843–769–4520.

FOR FURTHER INFORMATION CONTACT:

Steve Branstetter, 727–570–5305.

SUPPLEMENTARY INFORMATION: Dolphin are managed under the Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Resources of the Gulf and South Atlantic (Coastal Pelagics FMP). The Coastal Pelagics FMP was prepared jointly by the Gulf of Mexico Fishery Management Council and the South Atlantic Council, and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

The South Atlantic Council is concerned about the adverse effects of increased harvest of dolphin and wahoo off the South Atlantic states. Available landings estimates indicate that the pelagic longline fleet is now targeting dolphin throughout the South Atlantic EEZ. Commercial landings of South Atlantic wahoo have also recently increased. Consequently, an increasing opportunity exists for localized depletion of the two species, leading to an overfished stock condition and user group conflicts.

Recent constraints on participation in the South Atlantic snapper-grouper and king mackerel commercial fisheries may result in additional entrants into the dolphin and wahoo commercial fisheries. In addition, fishermen displaced from inshore state waters by recent state gear restrictions may wish

to enter the dolphin and wahoo commercial fisheries to regain lost income. New entry into these fisheries may be discouraged by establishment of a control date.

Anyone entering the dolphin and wahoo commercial fisheries after May 21, 1999, will not be assured of future access, should a management regime that limits the number of participants in those fisheries be prepared and implemented. Implementation of an effort limitation program would require preparation of a Dolphin-Wahoo FMP and/or an amendment to the Coastal Pelagics FMP, publication of notice of availability of the FMP/amendment with a comment period, publication of a proposed rule with a public comment period, approval of the FMP/amendment, and issuance of a final implementing rule.

Consideration of a control date does not commit the South Atlantic Council or NMFS to any particular management regime or criteria for entry into the dolphin and wahoo commercial fisheries. Fishermen are not guaranteed future participation in these fisheries regardless of their entry date or intensity of participation in the fisheries before or after the control date under consideration. The South Atlantic Council subsequently may choose a different control date or may choose a management regime that does not make use of a control date. The South Atlantic Council may choose to give variably weighted consideration to fishermen active in the fisheries before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be applied for entry. The South Atlantic Council also may choose to take no further action to control entry or access to the fisheries, in which case the control date may be rescinded.

This advance notice of proposed rulemaking has been determined to be not significant for purposes of E.O. 12866.

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

Dated: May 14, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

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