

**50 CFR Part 686**

[I.D. 022696A]

**Golden Crab Fishery Off the Southern Atlantic States; Initial Regulations**

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

**ACTION:** Notice of availability of a fishery management plan and request for comments.

**SUMMARY:** NMFS announces that the South Atlantic Fishery Management Council has submitted the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. Written comments are requested from the public.

**DATES:** Written comments must be received on or before April 25, 1996.

**ADDRESSES:** Comments must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the FMP, which includes a regulatory impact review, a social impact assessment, and an environmental assessment, should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; telephone: 803-571-4366; FAX 803-769-4520.

**FOR FURTHER INFORMATION CONTACT:** Peter J. Eldridge, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that a council-prepared fishery management plan (plan) be submitted to NMFS for review and approval,

disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving a plan, immediately publish a document in the Federal Register stating that the plan is available for public review and comment.

The FMP proposes to: (1) Define the management unit and optimum yield for the golden crab fishery; (2) define overfishing for species in the management unit; (3) establish a controlled access program, including initial eligibility criteria for vessel permits, restricted fishing zones, and procedures for appeals, transfers, and renewal of permits; (4) specify authorized gear for the fishery; (5) establish gear identification requirements; (6) specify maximum allowable trap sizes; (7) require escape gaps and a degradable panel on each trap; (8) establish minimum depth limits for use of traps; (9) prohibit tending of traps by unauthorized individuals; (10) modify the definition of the term "crustacean trap" in the regulations governing the South Atlantic snapper-grouper fishery (50 CFR part 646) to accommodate use of traps in the golden crab fishery; (11) prohibit the sale of female golden crabs and limit retention of female crabs to no more than 0.5 percent, by number, of all golden crabs on board the vessel; (12) require that golden crabs be landed whole; (13) limit sale of golden crab by permitted vessels to permitted golden crab dealers; (14) require that permitted golden crab dealers purchase golden crab caught in the exclusive economic zone only from permitted vessels; (15) prohibit possession of snapper-grouper species in whole, gutted, or filleted form on board a vessel fishing for or possessing golden crab; (16) establish permit and reporting requirements for fishermen

and dealers; (17) require mandatory observer coverage if a vessel is selected; and (18) establish a regulatory adjustment framework procedure to allow timely implementation of changes in the FMP's management measures.

Based on a preliminary evaluation of the FMP, the Director, Southeast Region, NMFS, (Regional Director), has disapproved a provision of the FMP that would have required 100 percent of the owners or operators of permitted vessels to maintain and submit vessel logbook information. The Regional Director believes that the methods of obtaining management data requested by the Council, and the appropriate sampling system for such data, are operational determinations properly made by NMFS. Accordingly, NMFS has determined that the level of sampling of vessels required to obtain the Council's requested data is not a matter of sufficient scope and substance warranting review under subsection 304(a)(1)(A) of the Magnuson Act. Initially, NMFS intends to select all permitted vessels to submit logbooks but may reduce the level of reporting if NMFS subsequently determines that 100 percent coverage is no longer necessary.

Proposed regulations to implement those measures of the FMP that were not disapproved based on the preliminary evaluation are scheduled for publication within 15 days.

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

Dated: February 28, 1996.

Richard W. Surdi,

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

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