

Services Field Office, at the above address.

**Authority**

The authority for this action is the Endangered Species Act (16 U.S.C. 1531-1543).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Dated: March 15, 1990.

**Richard N. Smith,**

*Acting Director, Fish and Wildlife Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 642**

**Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

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

**SUMMARY:** NOAA announces that the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) have submitted proposals contained in Amendment 5 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP)

for Secretarial review and are requesting comments from the public.

**DATES:** Written comments on the amendment should be submitted on or before May 23, 1990.

**ADDRESSES:** Copies of the amendment are available from the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, FL 33609.

Comments should be sent to Mark F. Godcharles, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702. Mark envelopes, "Comments on Amendment 5."

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-893-3722.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended, requires that a Council-prepared fishery management plan or amendment be submitted to the Secretary of Commerce (Secretary) for review and approval or disapproval. The Magnuson Act also requires that the Secretary, upon receipt, immediately publish a notice that the document is available for public review and comment. The Secretary will consider public comments in determining whether to approve the proposed action.

Amendment 5 proposes to: (1) Extend the management area of the Atlantic migratory groups of king and Spanish mackerel through the jurisdictional area of the Mid-Atlantic Council to the New York/Connecticut border. (2) Revise previously cited problems in the fishery and identify five new ones. (3) Add a new FMP objective. (4) Revise the fishing year for Gulf group Spanish

mackerel to April 1-March 31. (5) Revise the overfishing definition. (6) Assign responsibility for annual pre-season adjustments (maximum sustainable yield, total allowable catch, quotas, bag limits, and permits) for Gulf mackerel groups to the Gulf Council and for Atlantic migratory groups to the South Atlantic Council. Also, include Cobia in the annual stock assessment procedure. (7) Continue unified management of the Gulf migratory group of king mackerel until separate management of eastern and western Gulf groups can be determined. (8) Redefine recreational bag limits as daily limits instead of trip limits. (9) Delete the FMP provision specifying that king and Spanish mackerel caught under the bag limit may be sold unless the commercial fishery for that group or zone is closed. (10) Require that a shareholder or officer of a corporation, or the vessel operator, must meet income qualifications in order for the vessel to be eligible for a commercial permit. (11) Specify that Gulf group king mackerel can be taken only by hook and line or run-around gillnets. (12) Establish a daily bag limit of two cobia per person per day. (13) Establish a minimum size limit for king mackerel of 12 inches (30.5 cm) fork length or 14 inches (35.6 cm) total length. (14) Add a definition of "conflict" to the FMP. (16 U.S.C. 1801 *et seq.*)

Dated: March 22, 1990.

**Richard H. Schaefer,**

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

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