

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 641**

[I.D. 071395A]

**Reef Fish Fishery of the Gulf of Mexico; Amendment 8**

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

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

**SUMMARY:** NMFS announces that the Gulf of Mexico Fishery Management Council has submitted Amendment 8 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. Written comments are requested from the public.

**DATES:** Written comments must be received on or before September 15, 1995.

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

Requests for copies of Amendment 8, which includes an environmental

assessment, a regulatory impact review, and an initial regulatory flexibility analysis, and for copies of a minority report submitted by three members of the Council, should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609-2486, FAX: 813-225-7015.

**FOR FURTHER INFORMATION CONTACT:** Robert Sadler, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act), requires that a council-prepared amendment to a fishery management plan be submitted to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving an amendment, immediately publish a document that the amendment is available for public review and comment.

Amendment 8 to the FMP proposes a limited entry program for the commercial red snapper sector of the reef fish fishery in the Gulf of Mexico. Initial participants in the limited entry program would receive shares of the commercial quota of red snapper based on specified criteria. The percentage shares of the commercial quota would be equivalent to individual transferable quotas.

The Director, Southeast Region, NMFS, based on a preliminary evaluation of Amendment 8, has disapproved three amendment measures because the measures were determined to be inconsistent with the Magnuson Act and other applicable law. The disapproved measures included: (1) An appeals panel to consider hardships in determining eligibility for and amount of initial shares; (2) a provision that up to 3 percent of the initial commercial allocation of red snapper be set aside for resolving hardship cases; and (3) a restriction that transfer of shares be limited to "natural persons," thus precluding corporations or partnerships from obtaining shares.

A minority report signed by three Council members raised various objections to Amendment 8.

Proposed regulations to implement those measures of Amendment 8 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: July 17, 1995.

**Richard W. Surdi,**

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

[FR Doc. 95-17922 Filed 7-17-95; 4:31 pm]

BILLING CODE 3510-22-F