

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 011015252-1252-01; I.D. 053001E]

RIN 0648-AO23

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Golden Crab Fishery off the Southern Atlantic States; Amendment 3

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 3 to the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region (FMP). This rule would extend through December 31, 2002, the allowed use of cable for a mainline attached to golden crab traps; clarify the size of the required escape panel or door on a golden crab trap; remove the historical catch requirement for renewing a commercial vessel permit for golden crab; allow the issuance of a commercial vessel permit for golden crab for the southern zone for a vessel that held a valid permit for the southern zone in October 2000 but did not meet the 5,000-lb (2,268-kg) requirement for renewal in the following year; allow a vessel with a documented length overall greater than 65 ft (19.8 m) that is permitted to fish in the southern zone to fish also in the northern zone; allow two new commercial vessel permits to be issued for the northern zone; provide that a commercial vessel permit will not be renewed if the Regional Administrator (RA) does not receive an application for renewal by June 30 each year; liberalize the allowed increase in the size of a permitted vessel; create a small-vessel sub-zone in the southern zone in which only permitted vessels 65 feet (19.8 m) or less in length may fish for golden crab but may not do so in the remainder of the southern zone; and add measures related to the proposed sub-zone to the list of management measures that may be modified via the FMP's framework procedure for regulatory adjustments. The intended effect is to protect the golden crab resource while allowing development of the fishery that is dependent on that resource.

DATES: Comments on this proposed rule must be received no later than 5 p.m., eastern time, on January 11, 2002.

ADDRESSES: Written comments on this proposed rule must be mailed to the Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments also may be sent via fax to 727-570-5583. Comments will not be accepted if submitted via e-mail or the Internet.

Copies of Amendment 3, including the environmental assessment, regulatory impact review, and social impact assessment/fishery impact statement may be obtained from Dr. Peter J. Eldridge, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, phone: 727-570-5305; fax: 727-570-5583; e-mail: Peter.Eldridge@noaa.gov.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Dr. Peter J. Eldridge, Southeast Regional Office, NMFS; phone: 727-570-5305; fax: 727-570-5583; e-mail: Peter.Eldridge@noaa.gov.

SUPPLEMENTARY INFORMATION: The golden crab fishery off the southern Atlantic states is managed under an FMP that was prepared by the South Atlantic Fishery Management Council (Council) and implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Use of Wire Cable for Mainlines

The use of cable for mainlines in the South Atlantic golden crab fishery was authorized for an initial trial period when the FMP was implemented in 1996. The trial period was later renewed for an additional period of 20 months. This trial period was instituted at the request of the industry based on possible advantages in handling cable versus rope. One of the original concerns regarding cable used for mainlines was the potential for gear conflicts when it is used in an area where rope mainlines are deployed. The extended trial period, which ended December 31, 2000, was intended to assess that concern. Use of cable has

been infrequent; no vessels were using it when the trial period ended, but some vessel owners and/or operators expressed interest in exploring its use. Authorizing the use of cable for mainlines for an additional trial period through December 31, 2002, would facilitate further evaluation of its possible involvement in gear conflicts versus its potential economic benefits for fishermen.

Modification of Escape Panels or Doors

All golden crab traps constructed of material other than webbing are currently required to have an escape panel or door measuring at least 12 by 12 inches (30.5 by 30.5 cm). The purpose of the escape panel or door is to allow golden crabs to escape from traps and reduce crab mortality from lost or ghost traps that continue to trap fish. Golden crab traps are constructed of 2-inch (5.1-cm) mesh. Cutting an opening 6 meshes by 6 meshes would appear to meet the minimum size requirement. However, because of the diameter of the wire mesh, an opening of 6 meshes by 6 meshes is slightly smaller than the size that is required, and an opening 7 meshes by 7 meshes weakens the trap. To accommodate these concerns, the size would be revised to require an escape panel or door of at least 11 7/8 by 11 7/8 inches (30.2 by 30.2 cm). This reduced size would not materially lessen the ability of a golden crab to escape.

Removal of the Minimum Required Harvest Level for Permit Renewal

Currently, for a golden crab vessel permit to be renewed, at least 5,000 lb (2,268 kg) of golden crab from the South Atlantic exclusive economic zone (EEZ) must have been landed by the permitted vessel during at least one of the two 12-month periods immediately prior to the expiration date of the permit. This requirement was intended to reduce the number of permits, particularly in the southern zone. Due in part to this minimum required harvest level, the number of participants in the fishery in the southern zone has been significantly reduced. There are currently zero participants in the northern zone. The Council concluded that because of the low number of participants, the minimum required harvest level for permit renewal is no longer necessary. In fact, if participation in the fishery is reduced, it may result in a negative impact on the economic viability of the fishery. To support the market structure for golden crab that has been developed, a certain level of landings must be maintained.