

amended by removing Charles Town, Channel 252A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-3230; MB Docket No. 03-174, RM-10754]

#### Radio Broadcasting Services; Ehrenberg, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Daniel R. Feely, allots Channel 286C2 to Ehrenberg, Arizona, as the community's first local aural transmission service. *See* 68 FR 47285, August 8, 2003. Channel 286C2 can be allotted to Ehrenberg, consistent with the minimum distance separation requirements of the Commission's Rules, provided there is a site restriction 28.8 kilometers (17.9 miles) northeast to avoid short-spacing to the license sites of Station KBUX, Channel 232A, Quartzsite, Arizona and Mexican Station XHMC-FM, Channel 285B, Mexicali, BN. The reference coordinates for Channel 286C2 at Ehrenberg are 33-48-00 North Latitude and 114-19-12 West Longitude. Although concurrence has been requested for Channel 286C2 at Ehrenberg, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Use of this allotment is subject to suspension, modification, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico's Secretaria de Comunicaciones Y Transportes." A filing window for Channel 286C2 at Ehrenberg, Arizona, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**DATES:** Effective December 8, 2003.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 03-174, adopted October 22, 2003, and released October 24, 2003. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

#### PART 73—RADIO BROADCAST SERVICES

- 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

##### § 73.202 [Amended]

- 2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Ehrenberg, Channel 286C2.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-3336; MB Docket No. 03-168, RM-10747; MB Docket No. 03-169, RM-10778]

#### Radio Broadcasting Services; Crowell, TX and Florien, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Charles Crawford, allots Channel 293C3 at Crowell, Texas, as the community's first local aural transmission service. *See* 68 FR 47282, August 8, 2003. Channel 293C3 can be

allotted to Crowell in compliance with the Commission's minimum distance separation requirements, provided there is a site restriction of 10.7 kilometers (6.6 miles) west to avoid a short-spacing to the application site of Station KBZS, Channel 292C2, Wichita, Texas. The reference coordinates for Channel 293C3 at Crowell are 34-01-11 North Latitude and 99-49-53 West Longitude. The Audio Division, at the request of Charles Crawford, allots Channel 242A at Florien, Louisiana, as the community's first local aural transmission service. *See* 68 FR 47282, August 8, 2003. Channel 242A can be allotted to Florien in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The reference coordinates for Channel 242A at Florien are 31-26-37 North Latitude and 93-27-26 West Longitude. Filing windows for Channel 293C3 at Crowell, Texas and Channel 242A at Florien, Louisiana will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

**DATES:** Effective December 8, 2003.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket Nos. 03-168 and 03-169, adopted October 22, 2003, and released October 24, 2003. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

#### PART 73—RADIO BROADCAST SERVICES

- 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

**§ 73.202 [Amended]**

- 2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Florian, Channel 242A.
- 3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Crowell, Channel 293C3.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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

[I.D. 102403A]

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper; Notification of an Overfished Fishery**

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

**ACTION:** Determination of an overfished fishery.

**SUMMARY:** NMFS has determined that the Gulf of Mexico vermilion snapper fishery is overfished and has notified the Gulf of Mexico Fishery Management Council (Council) of related responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**FOR FURTHER INFORMATION CONTACT:** Phil Steele, telephone 727-570-5305, fax 727-570-5583, e-mail [Phil.Steele@noaa.gov](mailto:Phil.Steele@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico reef fish fishery is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council and approved and implemented by NMFS under the authority of the Magnuson-Stevens Act. The FMP is implemented by regulations at 50 CFR part 622.

**Determination of Overfished Fishery**

NMFS' determination of the status of a stock relative to overfishing and an overfished condition is based on both the rate of removal of fish from the stock through fishing (the exploitation rate) and the current stock size. When the

exploitation rate jeopardizes the capacity of a stock to produce its maximum sustainable yield (MSY) on a continuing basis, overfishing is occurring. The exploitation rate is usually expressed in terms of an instantaneous fishing mortality rate (F).

Another important factor for classifying the status of a resource is the current stock level. If a stock's biomass falls below its minimum stock size threshold, the capacity of the stock to produce MSY on a continuing basis is jeopardized, and the stock is considered to be in an overfished condition.

Estimated total landings of Gulf vermilion snapper peaked in the early 1990s and have declined through the late 1990s for both the commercial and recreational sector. Commercial catches dropped 20 percent over this time period while recreational catches declined over 30 percent. Catch per unit effort, an indication of abundance, declined in three different fishing sectors, including the commercial handline fishery, and the western and eastern Gulf paid passenger recreational fishery (headboats). The decline in catch per unit effort was most extreme in the eastern Gulf headboat fishery, with this index dropping over 75 percent in value. Reductions were also seen from 1993 to 1999 in two fishery-independent surveys.

The 2001 vermilion snapper stock assessment evaluated the current condition of the Gulf vermilion snapper stock using two different scientific models: a surplus-production model and a virtual population analysis (VPA). The VPA results varied greatly depending on the inputs to the model. Moreover, vermilion snapper are known to vary widely in their size at age. As a result, the Reef Fish Stock Assessment Panel (RFSAP) concluded that these analyses were highly uncertain and excluded them from consideration of stock status.

The surplus-production models gave consistent results across a wide range of model inputs, with only one scenario (eliminating data from the most recent 3 years) showing significant differences. All other model formulations indicated that vermilion snapper was overfished and experiencing overfishing. The preferred model formulation indicated that this stock experienced a fishing mortality rate in 1999 nearly twice the rate associated with MSY (i.e.,  $F_{1999}/F_{MSY} = 1.99$ ). The estimated current biomass of Gulf vermilion snapper was 3.4 million lb (1.5 million kg), which only amounts to 32 percent of the biomass expected at MSY and was just over half the estimated biomass in 1986.

The RFSAP supported the assessment's results indicating that Gulf vermilion snapper are overfished and experiencing overfishing. The Gulf of Mexico's Scientific and Statistical Committee concluded that the RFSAP report represented the best available scientific advice to the Council for establishing catch limits for vermilion snapper.

Section 304(e) of the Magnuson-Stevens Act requires that within 1 year of being notified of the identification of a stock as being overfished, the affected Regional Fishery Management Council must develop measures to end overfishing and rebuild the stock. On October 31, 2003, the Administrator, Southeast Region, NMFS, notified the Council of the overfished status of the Gulf of Mexico vermilion snapper and requested that the Council take appropriate action. The letter to the Council reads as follows:

October 31, 2003  
Ms. Bobbi Walker, Chairperson  
Gulf of Mexico Fishery  
Management Council  
3018 U.S. Highway 301, Suite 1000  
Tampa, Florida 33619

Dear Ms. Walker:

This is to inform the Gulf of Mexico Fishery Management Council (Council) that, based upon the best available scientific information, the National Marine Fisheries Service (NOAA Fisheries) has determined that the Gulf of Mexico vermilion snapper stock is overfished and undergoing overfishing. This determination is based on the July 2001 Status of the Vermilion Snapper Fishery in the Gulf of Mexico Report (Assessment 5.0), the October 2001 Report of the Reef Fish Stock Assessment Panel, and the Summary of the Standing and Special Reef Fish SSC Meeting from the January 2002 Council meeting. The analyses concluded that vermilion snapper biomass was 32% of the biomass associated with maximum sustainable yields (BMSY) in 2000. This estimate fell well below the minimum stock size threshold of 75% of BMSY. The analyses also concluded that the stock experienced a fishing mortality rate in 1999 of nearly twice the rate associated with MSY (FMSY). Several assessment scenarios were examined, all but one of which gave similar results. These analyses indicate that the vermilion snapper stock is overfished and undergoing overfishing. Dr. Nancy Thompson, Director of the Southeast Fisheries Science Center, will attend the November Council meeting to respond to questions the Council may have regarding the assessment.

The Magnuson-Stevens Fishery Conservation and Management Act requires that within one year of the determination that the stock is overfished the Council must propose a rebuilding plan; however, as pointed out in an April 12, 2002, letter from Dr. Joseph Powers, the Council must take action as soon as possible to end overfishing. The 2001 stock assessment provided guidance on measures necessary to end