

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285****[I.D. 092496A]****Atlantic Tuna Fisheries; Adjustments**

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

ACTION: Fishery reopenings; catch limit adjustment.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (ABT) Angling category quota, as adjusted, has not been reached. Therefore, the Angling category fishery for school ABT will open for the northern area beginning Saturday, September 28, at 1 a.m. local time and close on Sunday, September 29 at 11:30 p.m. local time. The daily catch limit for this reopening is set at two school ABT per vessel. Additionally, NMFS adjusts the October subquota for the General category by transferring 22 mt from the Reserve, and adjusts the General category effort control schedule for October. These actions are being taken to extend scientific data collection on several size classes of ABT while preventing overharvest of the adjusted subquotas for the affected fishing categories.

EFFECTIVE DATES: The Angling category fishery for school ABT will open for the northern area beginning Saturday, September 28, at 1 a.m. local time and close on Sunday, September 29 at 11:30 p.m. local time. The catch limit adjustment is effective for the duration of the reopening. The General category fishery for large medium and giant ABT will open for all areas beginning Tuesday, October 1, at 1 a.m. local time and close on Wednesday, October 2 at 11:30 p.m. local time. The New York Bight set-aside of 10 mt will be open for all areas south and west of Shinnecock inlet from Saturday, October 5, at 1 a.m., until the set-aside has been taken, which will be announced in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota

recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

Angling Category Reopening

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 138 mt of school ABT and 100 mt of large school/small medium ABT to be harvested from the regulatory area by vessels fishing under the Angling category quota during calendar year 1996. The school ABT quota is further subdivided into 65 mt for the waters off Delaware and states south and 73 mt for the waters off New Jersey and states north.

Based on catch estimates obtained through angler interviews, NMFS closed the southern school ABT fishery on July 25, 1996 (61 FR 38656, July 25, 1996) and the coastwide large school/small medium fishery on July 31, 1996 (61 FR 40352, August 2, 1996). Although catch estimates did not indicate that the quota was reached, NMFS closed the school ABT Angling category fishery for the northern area effective August 17, 1996 (61 FR 43027, August 20, 1996) due to the estimated landings exceeding the quotas for the school ABT southern area subquota and the coastwide large school/small medium ABT quota.

Under the implementing regulations at 50 CFR 285.22(f), the Assistant Administrator for Fisheries, NOAA (AA), has the authority to make adjustments to quotas involving transfers between categories after considering certain factors. Such authority was exercised to transfer 10 mt from the Inseason Reserve and reopen the school ABT Angling category fishery for the northern area effective September 13, 1996 (61 FR 48640). NMFS has determined that due to lower than expected fishing effort, attributable to poor weather conditions, the full 10 mt was not taken. NMFS, therefore, reopens the school ABT Angling category fishery, so that management and data collection objectives specified in the prior notice may be attained.

Catch Limit Adjustment

Implementing regulations for the Atlantic tuna fisheries at § 285.24 provide for a daily catch limit of school or large school ABT of one fish per angler. However, the AA has the

authority to make adjustments to catch limits to effect maximum utilization of the available quota and a fair distribution of fishing opportunities. For this reason, the catch limit is adjusted to two school ABT per vessel for the duration of this reopening.

This action is being taken to extend the season for the Angling category, provide for fishing opportunities in the northern fishing area, and ensure additional collection of biological assessment and monitoring data without exceeding the adjusted quota.

General Category Quota Adjustment

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 541 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1996. The General category ABT quota is further subdivided into monthly quotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities. Overharvest of the September subquota has reduced the October General category quota to 48 mt, including a 10 mt set aside for the traditional fall New York Bight fishery.

After considering the previously cited factors for making transfers between categories, the AA has determined that 22 mt of the remaining Inseason Reserve of 23 mt should be transferred to the General category. Thus, the October General category quota is set at 60 mt, with an additional 10 mt reserved for the New York Bight.

General Category Reopening

Implementing regulations for the Atlantic tuna fisheries at § 285.24 provide the AA with authority to adjust the catch limit for the General category to effect restricted fishing days. Such effort controls allow maximum utilization of the quota while maintaining a fair distribution of fishing opportunities. Catch rates in August and September approached or exceeded 30 mt per day. In order to ensure that the October subquota is not exceeded and that the set aside for the New York Bight can be maintained, the October effort control schedule is set as follows: (1) The General category fishery for large medium and giant ABT will open for all areas beginning Tuesday, October 1, at 1 a.m. local time and close on Wednesday, October 2 at 11:30 p.m. local time; (2) the New York Bight set-aside of 10 mt will open for the waters in areas south and west of a straight line originating at a point on the southern shore of Long Island at 72° 27' W. long.

(Shinnecock Inlet) and extending SSE 150° true) beginning Saturday, October 5, at 1 a.m. Upon the effective date of the set-aside, persons aboard vessels permitted in the General category may fish for, retain, and land large medium and giant ABT only in the set-aside area specified above, until the set-aside quota for that area has been harvested. NMFS will publish the date of the closure in the Federal Register.

Classification

This action is taken under 50 CFR 285.20(b), 50 CFR 285.22, and 50 CFR 285.24 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: September 24, 1996.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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