

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285****[I.D. 071097B]****Atlantic Tuna Fisheries; Inseason Adjustment**

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

ACTION: Catch limit adjustment.

SUMMARY: NMFS adjusts the daily catch limit for the Angling category fishery for Atlantic bluefin tuna (ABT) to four fish per vessel from the school size class and one fish per vessel from the large school or small medium size class. The duration of the catch limit adjustment is limited to August 7, 1997, whereupon the limit will revert to one ABT per vessel per day. This action is being taken to ensure reasonable fishing opportunities in all geographic areas without risking overharvest of this category.

EFFECTIVE DATE: The daily catch limit adjustment is effective 1:00 a.m., local time, July 11, 1997, until 11:30 p.m., local time, August 7, 1997.

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.

Implementing regulations for the Atlantic tuna fisheries at § 285.24 allow for adjustments to the daily catch limits in order to provide for maximum utilization of the quota spread over the longest possible period of time. The Assistant Administrator for Fisheries, NOAA, may increase or reduce the per angler catch limit for any size class bluefin tuna or may change the per angler limit to a per boat limit or a per boat limit to a per angler limit.

ABT landings reported in the southern area (Delaware and states south) in January, February and March 1997, were primarily small medium bluefin tuna. Given the limited quota available for the ABT Angling category and the large size (100-200 lbs) of individual fish landed in the winter fishery, NMFS reduced the daily catch limit to one fish per vessel. NMFS took further action to close the winter ABT

fishery on March 2, 1997 to ensure that sufficient quota would remain for the summer ABT fisheries. On June 13, 1997, NMFS reopened the Angling category fishery but maintained the daily catch limit at one ABT per vessel to ensure that the southern area quota would not be exceeded.

Since the reopening, information collected by NMFS through dockside and telephone surveys indicates that the conservative catch limit of one fish per day has resulted in greatly reduced fishing pressure. Estimated landings for the month of June indicate that approximately 2.5 metric tons (mt) of school bluefin were landed in the southern area (quota of 51 mt) and approximately 2.6 mt of school bluefin were landed in the northern area (quota of 57 mt). No landings of large school or small medium ABT were reported during June. NMFS has determined that a catch limit adjustment is warranted to ensure reasonable fishing opportunities in all geographic areas without risking overharvest.

The daily catch limit is adjusted as follows: No more than four school bluefin tuna may be retained each day per Angling category vessel. In addition, one ABT per vessel may be landed from the large school or small medium size class. This catch limit adjustment is effective through August 7, 1997, whereupon the daily limit will revert to one ABT per day which may be from the school, large school or small medium size class.

Depending on the level of fishing effort and catch rates of ABT, NMFS may determine that an interim closure or additional catch limit adjustment is necessary to enhance scientific data collection from all geographic areas. Closures or subsequent adjustments to the daily catch limit, if any, shall be announced through publication in the **Federal Register**. In addition, anglers may call the Highly Migratory Species Information Line at 301-713-1279 or 508-281-9305 for updates on quota monitoring and catch limit adjustments. Anglers aboard Charter/Headboat and General category vessels, when engaged in recreational fishing for school, large school, and small medium ABT, are subject to the same rules as anglers aboard Angling category vessels.

Classification

This action is taken under 50 CFR 285.24(d)(3) and is exempt from review under E.O. 12866.

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

Dated: July, 10, 1997.

Gary Matlock,

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

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 961217359-7050-02; I.D. 070397C]

Pacific Halibut Fisheries; Oregon Sport Fishery

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

ACTION: Inseason action.

SUMMARY: NMFS announces that the Area 2A sport fishery off Oregon on August 1, 2, and 9, 1997, in all-depths is closed. The restricted depth fishery will remain open until September 30, 1997, or until the Oregon sport fishery quota is reached.

DATES: Effective July 16, 1997.

Comments will be accepted through July 31, 1997.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, Seattle, WA 98115. Information relevant to this action is available for public review during business hours at this address.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206-526-6143.

SUPPLEMENTARY INFORMATION: The Area 2A Catch Sharing Plan for Pacific halibut off Washington, Oregon, and California is implemented in the annual management measures for the Pacific halibut fisheries published on March 18, 1997 (62 FR 12759). The sport fishery in Oregon in the area from Cape Falcon, Oregon, to the Oregon/California border was divided in accordance with the Area 2A Catch Sharing Plan into three seasons with an overall quota of 137,600 lb (62.4 mt) for 1997. The first season in the area between Cape Falcon and the Siuslaw River, which was an all-depth fishery with a sub-quota of 86,703 lb (39.3 mt), closed on May 24. The first season in the area between the Siuslaw River and the Oregon/California border, which was an all-depth fishery with a sub-quota of 8,077 lb (3.7 mt), closed on May 17. The second season for both areas (from Cape Falcon to the Oregon/

California border), which is a restricted depth fishery (inside 30 fathoms), opened on the day after the closure of the all-depth fisheries in accordance with Section 22 of the annual regulations for the Pacific halibut fisheries (62 FR 12759, March 18, 1997) and is scheduled to continue until July 31. The third season for the entire area from Cape Falcon to the Oregon/California border is an all-depth fishery that is to open on August 1, 2, and 9, or until the Oregon sport fishery quota is taken.

The catch from the first season in the entire area between Cape Falcon and the Oregon/California border has been determined by NMFS, in consultation with Oregon Department of Fish and Wildlife (ODFW), to have exceeded the first season subquotas by over 30,000 lbs (13.6 mt). In consultation with ODFW, the Pacific Fishery Management Council, and the International Pacific Halibut Commission (IPHC), NMFS has determined based on past catch rates in restricted depth and all-depth sport fisheries off Oregon, that the remaining quota for this area is sufficient to maintain the current restricted depth fishery until July 31 and

possibly a 1-day, all-depth fishery on August 1, but the remaining quota is not sufficient to allow the scheduled 3-day, all-depth opening in August (third season). It is possible that there may be sufficient quota remaining on July 31 to allow an all-depth fishery on August 1, but that determination cannot be made until late July when the catch in the restricted depth fishery is accounted for. Because halibut catch rates are much lower in a restricted depth fishery than an all-depth fishery, the restricted depth fishery could remain open after the second season until September 30 without exceeding the quota.

NMFS Action

NMFS is taking inseason action to close the August 1, 2, and 9, 1997, all-depth fishery in the area from Cape Falcon to the Oregon/California border to prevent the quota for the Oregon sport fishery from being exceeded. The restricted depth fishery, limited to waters inside 30 fathoms as described in Section 22 of the annual management measures, in the area from Cape Falcon to the Oregon/California border, will remain open until September 30 or until the Oregon sport fishery quota is estimated to have been taken and the season is closed by IPHC. A determination on whether a 1-day, all-depth fishery can be allowed on August 1 without exceeding the quota will be made on July 18. Notice of an all-depth fishery opening will be provided by a

telephone hotline administered by the Northwest Region, NMFS, at 206-526-6667 or 800-662-9825. No fishing will be allowed in the area beyond 30 fathoms on August 1, unless the opening has been announced by NMFS. The Regional Administrator has determined that this action is necessary to allow allocation objectives to be met, and will not result in exceeding the catch limits that were established prior to the season opening. Because of the need to provide adequate public notice on the closure, NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. Public comments will be received for a period of 15 days after the effectiveness of this action.

Classification

This action is authorized by Section 23 of the annual management measures for Pacific halibut fisheries published on March 18, 1997 (62 FR 12759) and has been determined to be not significant for purposes of E.O. 12866.

Dated: July 10, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 960520141-7159-06; I.D. 021897B]

RIN 0648-AH05

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 1997 Scup Recreational Fishery Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to retain, for 1997, the 1996 recreational management measures for the scup fishery implemented under the regulations implementing the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP). This rule does not change the measures implemented under Amendment 8 to the FMP, that is, a 7-inch (17.78-cm) minimum fish size,

no possession limit, and no closed season for the recreational scup fishery. The intent of this document is to comply with implementing regulations for the scup fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the resource.

DATES: Effective on August 14, 1997.

ADDRESSES: Copies of the Environmental Impact Statement for Amendment 8 and supporting documents used by the Monitoring Committee are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, (508) 281-9221.

SUPPLEMENTARY INFORMATION: The FMP was developed jointly by the Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) in consultation with the New England and South Atlantic Fishery Management Councils. Implementing regulations for the fishery are found at 50 CFR part 648.

Section 648.120 outlines the process for determining annual commercial and recreational catch quotas and other restrictions for the scup fishery. Pursuant to Section 648.120, the Administrator, Northeast Region, NMFS, implements measures for the fishing year to ensure achievement of the annual exploitation rate specified in the FMP.

This document announces a minimum fish size of 7 inches (17.78 cm) for the 1997 recreational scup fishery, which is unchanged from the measure contained in the proposed rule published in the **Federal Register** on April 15, 1997 (62 FR 18309). In addition, for the 1997 recreational scup fishery, there is no possession limit and no closed season consistent with the measures implemented under Amendment 8.

Comments and Responses

One comment letter was received from a Massachusetts charter/party boat operator during the public comment period, which ended May 15, 1997.

Comment: The commenter believes that a 9-inch (22.86 cm) minimum size should be established because it has worked in Massachusetts and would provide a sustainable fishery.

Response: The 7-inch (17.78-cm) minimum fish size is sufficient to constrain the recreational fishery to the harvest limit. In 1995, with no restrictions in the EEZ, recreational