

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 648

[I.D. 121598]

**Fisheries of the Northeastern United States; Summer Flounder, Scup and Black Sea Bass Fisheries: Summer Flounder Commercial Quota Transfer From North Carolina to Virginia**

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

**ACTION:** Commercial quota transfer.

**SUMMARY:** NMFS announces that the State of North Carolina is transferring 5,500 lb (2,495 kg) of summer flounder quota to the Commonwealth of Virginia. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

**DATES:** Effective December 16, 1998 through December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, (978) 281-9273.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The initial total commercial quota for summer flounder for the 1998 calendar year was set equal to 11,105,636 lb (5,037,432 kg) (62 FR 66304, December

18, 1997). Section 648.100(e)(4) stipulates that any overages of commercial quota landed in any state be deducted from that state's annual quota for the following year. In calendar year 1997, a total of 2,305,985 lb (1,045,977 kg) were landed in Virginia, creating an 11,192 lb (5,077 kg) overage that was deducted from the amount allocated for landings in the State during 1998 (63 FR 23227, April 28, 1998). The resulting quota for Virginia is 2,357,377 lb (1,069,288 kg). In the calendar year 1997, a total of 1,673,345 lb (759,017 kg) were landed in North Carolina, creating a 399,740 lb (181,319 kg) overage that was deducted from the amount allocated for landings in the State during 1998 (63 FR 23227, April 28, 1998). The resulting quota for North Carolina was 2,649,849 lb (1,201,951 kg). Effective October 1998, an additional adjustment was made to the North Carolina quota to comply with a Court Order setting aside the 1997 overage, resulting in a quota of 3,049,589 lb (1,383,270 kg) (63 FR 56867, October 23, 1998).

The final rule implementing Amendment 5 to the FMP was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS, (Regional Administrator) to transfer or combine summer flounder commercial quota. The Regional Administrator is required to consider the criteria set forth in § 648.100(e)(1) in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 5,500 lb (2,495 kg) of its commercial quota to Virginia. The Regional Administrator has determined that the

criteria set forth in § 648.100(e)(1) have been met, and publishes this notification of quota transfer. The revised quotas for the calendar year 1998 are: Virginia, 2,362,877 lb (1,071,801 kg); and North Carolina, 3,044,089 lb (1,380,799 kg).

This action does not alter any of the conclusions reached in the environmental impact statement prepared for Amendment 2 to the fishery management plan regarding the effects of summer flounder fishing activity on the human environment. Amendment 2 established procedures for setting an annual coastwide commercial quota for summer flounder and a formula for determining commercial quotas for each state. The quota transfer provision was established by Amendment 5 to the FMP and the environmental assessment prepared for Amendment 5 found that the action had no significant impact on the environment. Under section 6.02b.3(b)(i)(aa) of NOAA Administrative Order 216-6, this action is categorically excluded from the requirement to prepare additional environmental analyses. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

**Classification**

This action is taken under 50 CFR part 648 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 16, 1998.

**Gary C. Matlock,**

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

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