

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 021299E]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna

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

ACTION: Catch limit adjustment.

SUMMARY: Effective January 1, 1999, NMFS adjusted the Atlantic bluefin tuna (BFT) Angling category daily catch limit to one fish from the school, large school, or small medium size class per vessel. Based on recent information regarding catch rates of school BFT off North Carolina and the limited annual quota, NMFS is concerned that fishing opportunities may be curtailed in northern areas. Therefore, NMFS adjusts the daily catch limit for BFT in all areas to one fish per vessel, which may be from the large school or small medium size class. NMFS takes this action to lengthen the fishing season and to ensure reasonable fishing opportunities in all geographic areas without risking overharvest of the annual quota established for the Angling category fishery.

DATES: Effective 1 a.m. local time on March 9, 1999, until December 31, 1999. NMFS will announce any subsequent catch limit adjustments by publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 978-281-9146.

SUPPLEMENTARY INFORMATION: On October 26, 1998, NMFS announced the availability of the draft Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish, and Sharks (63 FR 57093). Information regarding the proposed management of Atlantic tunas under the Highly Migratory Species (HMS) FMP was provided in the preamble to the proposed rule to implement the HMS FMP (64 FR 3154, January 20, 1999) and is not repeated here. The proposed rule to implement the HMS FMP would change the annual Atlantic tunas fishing year to June 1 through May 31.

Until regulations implementing the HMS FMP are final, regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR

part 285. Current regulations state that the Atlantic tunas fishing year commences January 1 and ends December 31 annually.

Implementing regulations for the Atlantic tuna fisheries at § 285.24 allow for adjustments to the daily catch limit 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 BFT or may change the per angler limit to a per vessel limit or the per vessel limit to a per angler limit.

Effective January 1, 1999, NMFS adjusted the Angling category daily catch limit to one fish from the school, large school, or small medium size class per vessel (63 FR 71792, December 30, 1998). NMFS has recently received information through the North Carolina Harvest Tagging Program that the rate of landings of school BFT is increasing. NMFS is concerned that, if the current harvest rate increases, it is possible a significant portion of the entire Angling category quota might be taken prior to the time that BFT migrate north. In 1996, the Angling category subquotas for large school/small medium BFT and for school BFT off Delaware and states south were filled prematurely due to high catch rates early in the season in southern areas, thus reducing fishing opportunities in northern areas. In early March 1997, NMFS closed the Angling category fishery for school, large school, and small medium BFT in all areas in order to extend fishing opportunities for these size classes in northern fisheries. In 1998, because catch rates were low, NMFS did not need to take such action during the winter fishery.

NMFS is also concerned that the proposed change in the Atlantic tunas fishing year to June through May, in combination with the 1998 Angling category overharvest (preliminary estimates of 1998 landings indicate that the Angling category school BFT subquota was exceeded by approximately 12 mt), may curtail fishing opportunities during the proposed fishing season (i.e., through May 2000).

Given the information regarding catch rates, the public interest in an equitable distribution of landings among fishermen in the Angling category, and the need for scientific data from throughout the species' range, NMFS adjusts the daily catch limit as follows: Each Angling category vessel may retain no more than one BFT from the large school (measuring 47 to less than 59 inches/119 to less than 150 cm) or small medium (measuring 59 to less than 73

inches/150 to less than 185 cm) size class.

As of February 6, 1999, BFT landings reported through the North Carolina Harvest Tagging Program indicate that 98 percent of the Angling category BFT landings by weight and 95 percent of Angling category BFT landings in numbers have measured 47 inches or greater. Because fishing for smaller BFT generally begins in early summer, NMFS does not anticipate that the reduction of the daily catch limit to prohibit the landings of school BFT would adversely affect recreational fishing opportunities prior to the beginning of the proposed fishing year (June 1).

Charter/Headboat category vessels, when engaged in recreational fishing for BFT, are subject to the same rules as Angling category vessels. In addition, anglers aboard permitted vessels may continue to tag and release BFT of all sizes under the NMFS tag-and-release program (50 CFR 285.27). The Angling category trophy fishery for large medium and giant BFT (measuring 73 inches/185 cm or greater) remains open, with a catch limit of one fish per vessel per year.

NMFS will continue to monitor the Angling category fishery closely through the Automated Catch Reporting System and the Large Pelagic Survey. All BFT landed under the Angling category quota outside North Carolina must be reported within 24 hours of landing to the NMFS Automated Catch Reporting System by phoning 1-888-USA-TUNA (1-888-872-8862). In North Carolina, all BFT must be taken to a reporting station to receive a landing tag before removing the fish from the vessel. For information about the North Carolina Harvest Tagging Program, including reporting station locations, call 1-800-338-7804.

Subsequent adjustments to the daily catch limit, as necessary, shall be announced through publication in the **Federal Register**. In addition, anglers may call the Atlantic Tunas Information Line at 1-888-USA-TUNA (888-872-8862) or at 978-281-9305 for updates on quota monitoring and catch limit adjustments.

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: March 1, 1999.

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National Marine Fisheries Service.*

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