

that, once the first mesh is retrieved or the gathering is begun, the retrieval is continuous until the gillnet is completely removed from the water.

(5) The float line of each gillnet possessed, including any net in use, must have the distinctive floats specified in § 622.6(b)(2).

(4) *Purse seine incidental catch allowance.* A vessel in the EEZ, or having fished in the EEZ, with a purse seine on board will not be considered as fishing, or having fished, for king or Spanish mackerel in violation of a prohibition of purse seines under paragraph (c)(2) of this section, in violation of the possession limits under paragraph (c)(2)(iii) of this section, or, in the case of king mackerel from the Atlantic migratory group, in violation of a closure effected in accordance with § 622.43(a), provided the king mackerel on board does not exceed 1 percent, or the Spanish mackerel on board does not exceed 10 percent, of all fish on board the vessel. Incidental catch will be calculated by number and/or weight of fish. Neither calculation may exceed the allowable percentage. Incidentally caught king or Spanish mackerel are counted toward the quotas provided for under § 622.42(c) and are subject to the prohibition of sale under § 622.43(a)(3)(iii).

(d) * * *
 (1) *Authorized gear.* Subject to the gear restrictions specified in § 622.31, the following are the only gear types authorized in a directed fishery for snapper-grouper in the South Atlantic EEZ: Bandit gear, bottom longline, buoy gear, handline, rod and reel, sea bass pot, and spearfishing gear.

(3) *Use of sink nets off North Carolina.* A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ off North Carolina on a trip with a sink net on board, may retain otherwise legal South Atlantic snapper-grouper taken on that trip with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(3), a sink net is a gillnet with stretched mesh measurements of 3 to 4.75 inches (7.6 to 12.1 cm) that is attached to the vessel when deployed.

14. In § 622.42, the first sentence of paragraph (c) introductory text is revised to read as follows:

§ 622.42 Quotas.

* * * King and Spanish mackerel quotas apply to persons who fish under

commercial vessel permits for king or Spanish mackerel, as required under § 622.4(a)(2)(iii) or (iv). * * *

15. In § 622.43, paragraph (a)(3)(i) and (ii) are revised and paragraph (c) is added to read as follows:

§ 622.43 Closures.

(a) * * *
 (3) * * *
 (i) A person aboard a vessel for which a commercial permit for king or Spanish mackerel has been issued, as required under § 622.4(a)(2)(iii) or (iv), may not fish for king or Spanish mackerel in the EEZ or retain king or Spanish mackerel in or from the EEZ under a bag or possession limit specified in § 622.39(c) for the closed species, migratory group, zone, subzone, or gear, except as provided for under paragraph (a)(3)(ii) of this section.

(ii) A person aboard a vessel for which the permit indicates both charter vessel/headboat for coastal migratory pelagic fish and commercial king or Spanish mackerel may continue to retain fish under a bag and possession limit specified in § 622.39(c), provided the vessel is operating as a charter vessel or headboat.

(c) *Reopening.* When a fishery has been closed based on a projection of the quota specified in § 622.42 being reached and subsequent data indicate that the quota was not reached, the Assistant Administrator may file a notification to that effect with the Office of the Federal Register. Such notification may reopen the fishery to provide an opportunity for the quota to be reached.

16. In § 622.44, paragraph (a)(2)(ii)(B) introductory text is revised to read as follows:

§ 622.44 Commercial trip limits.

(a) * * *
 (2) * * *
 (ii) * * *
 (B) *Hook-and-line gear.* In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel with a commercial permit for king mackerel, as required by § 622.4(a)(2)(iii), and operating under the hook-and-line gear quota in § 622.42(c)(1)(i)(A)(2)(i):

17. In § 622.45, in paragraph (d)(2), the reference “§ 622.4(a)(2)(iv)” is revised to read “§ 622.4(a)(2)(vi)” and paragraph (h) is added to read as follows:

§ 622.45 Restrictions on sale/purchase.

(h) *Cut-off (damaged) king mackerel.* A cut-off (damaged) king mackerel lawfully possessed or offloaded ashore, as specified in § 622.38(h), may not be sold or purchased.

18. In § 622.48, in paragraph (d)(1), the phrase “reopening of a fishery prematurely closed” is removed, and paragraph (c) is revised to read as follows:

§ 622.48 Adjustment of management measures.

(c) *Coastal migratory pelagic fish.* For cobia or for a migratory group of king or Spanish mackerel: MSY, overfishing level, TAC, quota (including a quota of zero), bag limit (including a bag limit of zero), minimum size limit, vessel trip limits, closed seasons or areas, gear restrictions (ranging from regulation to complete prohibition), reallocation of the commercial/recreational allocation of Atlantic group Spanish mackerel, and permit requirements.

§§ 622.4 and 622.44 [Amended]

19. The words “and Spanish” are removed in the following places:
 a. In § 622.4, in the first sentence of paragraph (a)(2)(ii), in the heading of paragraph (o), in the first sentence of paragraph (o)(1), and in the second and third sentences of paragraph (o)(2).
 b. In § 622.44, in paragraph (a)(2)(ii)(A)(2)(i).

§ 622.44 [Amended]

20. The words “king and” are removed in § 622.44(b)(1)(i) and (b)(1)(ii) introductory text.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208296-7296-01; I.D. 022598C]

Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component Pollock in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching

pollock for processing by the inshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal allowance of the pollock total allowable catch (TAC) apportioned to vessels harvesting pollock for processing by the inshore component in the BS of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 26, 1998, until 1200 hrs, A.l.t., April 15, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) as prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. processors is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(2)(ii), the first seasonal allowance of the pollock TAC apportioned to vessels harvesting pollock for processing by the inshore component in the BS of the BSAI was established as 151,279 metric tons (mt) by the Interim 1998

Harvest Specifications of Groundfish for the BSAI (62 FR 65626, December 15, 1998).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the first seasonal allowance of the pollock TAC apportioned to vessels harvesting pollock for processing by the inshore component in the BS of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 146,279 mt, and is setting aside the remaining 5,000 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the inshore component in the BS of the BSAI.

This closure is effective from February 26, 1998, through 1200 hrs, A.l.t., April 15, 1998. Under § 679.20(a)(5)(i), the second seasonal allowance of pollock TAC will become available for directed fishing at 1200 hrs, A.l.t., September 1, 1998. Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

This action responds to the best available information recently obtained

from the fishery. It must be implemented immediately in order to prevent overharvesting the first seasonal allowance of the pollock TAC apportioned to vessels harvesting pollock for processing by the inshore component in the BS of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has already taken the first seasonal allowance of the pollock TAC apportioned to vessels harvesting pollock for processing by the inshore component in the BS of the BSAI. Further delay would only result in overharvest which would disrupt the FMP's objective of providing sufficient pollock as bycatch to support other anticipated groundfish fisheries. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

Classification

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: February 26, 1998.

Gary C. Matlock,

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

[FR Doc. 98-5508 Filed 2-26-98; 4:59 pm]

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