

Subpart 2202—[Removed]

3. Subpart 2202 is removed in its entirety.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 630**

[I.D. 042398A]

South Atlantic Swordfish Fishery; Fishery Reopening

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

ACTION: Reopening of fishery.

SUMMARY: Based on projected landings, NMFS closed the south Atlantic swordfish fishery effective April 15, 1998. Actual catch reports tallied since the closure indicate that the south Atlantic swordfish quota for the period December 1, 1997, to May 31, 1998, has not been reached. NMFS therefore reopens the South Atlantic swordfish fishery to allow U.S. fishermen to harvest the remaining 1997 South Atlantic quota.

DATES: The reopening is effective on April 27, 1998, for vessels fishing Atlantic swordfish south of 5° N. Lat.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson, 301-713-2347, or Buck Sutter, 813-570-5447.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish and its implementing regulations at 50 CFR part 630 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). Regulations issued under the authority of ATCA carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

ICCAT has divided the Atlantic swordfish stock into northern and southern management units. The south Atlantic swordfish fishery refers to

those swordfish caught in the Atlantic ocean south of 5° N latitude. ICCAT's Standing Committee on Research and Statistics estimated that the 1995 fishing mortality rate for south Atlantic swordfish was greater than the level that would produce maximum sustainable yield. To prevent further increases in fishing mortality, ICCAT recommended that contracting parties limit catch of south Atlantic swordfish to levels harvested in 1993 or 1994, whichever was greater. On October 24, 1997 (62 FR 55357), consistent with ICCAT's recommendations, NMFS established a U.S. quota for the South Atlantic swordfish fishery of 188 mt dressed weight(dw), and implemented the same management measures for the South Atlantic swordfish fishery as were in place for the North Atlantic swordfish fishery (i.e., logbook reporting, permitting, minimum size, transfer-at-sea, etc.).

Regulations governing the south Atlantic swordfish fishery at § 630.24 divide the annual quota into semiannual quotas of 94 mt for each of two fishing periods (June 1 through November 30 and December 1 through May 31). NMFS is required, under § 630.25(a)(1), to monitor landings statistics and, on the basis of these statistics, to project a date when the catch will equal the quota, and to announce a closure of the fishery by publication of a notice in the **Federal Register**.

In 1996, ICCAT adopted compliance measures such that member nations could be subject to trade restrictions and reduced quotas equal to a minimum of 125 percent of the excess harvest if North Atlantic swordfish quotas are repeatedly exceeded. In 1997, ICCAT extended these compliance measures to the South Atlantic swordfish fishery. Given the compliance recommendations, it is necessary for NMFS to closely monitor harvest rate in the south Atlantic swordfish fishery.

Reporting of swordfish landings by U.S.-flagged vessels in Atlantic waters south of 5° N lat. was not required until the 1997 fishing year; therefore, past fishing effort was difficult to estimate for the purpose of projecting a closure date. However, limited logbook data from 1996 and 1997 indicated that a significant increase in landings could be expected during February and March. Therefore, NMFS announced that the directed South Atlantic swordfish

fishery would close at 6 p.m., local time, on April 15, 1998. The estimate was conservative to reduce the risk of exceeding U.S. swordfish quotas, which could invoke ICCAT penalties. However, actual reported landings of swordfish in the South Atlantic swordfish fishery through March 31, 1998, in the second semiannual season total 22.5 mt(49,623 lbs) dw.

The ICCAT quota recommendation for the 1997 fishing year, and the U.S. regulations to implement it, did not provide for carryover to the 1998 fishing year of any unharvested fish. To provide U.S. vessels additional fishing opportunity, NMFS reopens the fishery for Atlantic swordfish south of 5° N. latitude effective Monday, April 27, 1998. This reopening announcement provides ample time for vessels to travel to the south Atlantic fishing areas and to fish for swordfish prior to the end of the 1997 season on May 31, 1998.

Vessel operators who resume fishing for swordfish in the south Atlantic fishery are reminded that the closure for the north Atlantic swordfish fishery (63 FR 12687, March 16, 1998) remains in effect through June 1, 1998. During a closure of the north Atlantic swordfish fishery, any vessels north of 5° N latitude are limited to an incidental catch of no more than 15 swordfish per trip. Thus, vessels fishing in the south Atlantic may not transit north of 5° N. lat. with more than the incidental catch limit aboard. Vessels harvesting more than 15 swordfish in the south Atlantic must offload in a port south of 5° N. lat. or offload in the north after June 1, 1998. However, swordfish offloaded after June 1 will be counted against the 1998 fishing year. Swordfish offloaded north of 5° N. lat., must be sold to a permitted swordfish dealer, regardless of ocean area of catch.

Classification

This action is taken under 50 CFR 630.24 and 50 CFR 630.25(a) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: April 24, 1998

Bruce C. Morehead,

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