

auction, an alternative method of grouping these licenses for auction.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 991210334-9334-01; I.D. 112399A]

RIN 0648-AN41

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures

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

ACTION: Interim rule; request for comments.

SUMMARY: This interim rule implements changes to the management measures for the red snapper fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico as requested by the Gulf of Mexico Fishery Management Council (Council) to reduce overfishing. This rule modifies the recreational and commercial fishing seasons, increases the recreational minimum size limit, and reinstates a 4-fish bag limit for the captain and crew of for-hire vessels (i.e., charter vessels and headboats). The intended effect is to reduce overfishing of red snapper in the Gulf of Mexico.

DATES: This rule is effective January 19, 2000 through June 19, 2000, except that § 622.34(n) is effective January 1, 2000, through June 19, 2000. Comments must be received at the appropriate address or fax number (See **ADDRESSES**) no later than 5:00 p.m., eastern standard time, on January 19, 2000.

ADDRESSES: Written comments on this interim rule must be mailed to Dr. Roy Crabtree, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments also may be sent via fax to 727-570-5583. Comments will not be accepted if submitted via e-mail or Internet.

Requests for copies of the documents supporting this rule, which include an analysis of the economic consequences of the rule and an environmental assessment, may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Dr. Roy Crabtree, telephone: 727-570-5305, fax: 727-570-5583, e-mail: Roy.Crabtree@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Background

The Council has requested an interim rule to adjust management measures for the recreational and commercial red snapper fisheries for the 2000 fishing year, with certain provisions effective January 1, 2000. The requested adjustments are: (1) An increase in the recreational minimum size limit to 16 inches (40.6 cm); (2) establishment of a recreational season of April 21 to October 31, 2000; (3) reinstatement of the 4-fish bag limit for captain and crew of for-hire vessels; and (4) a change in the openings of the spring red snapper commercial season from the first 15 days of each month to the first 10 days of each month, beginning February 1.

The Council adopted these adjustments, as well as others, for a proposed regulatory amendment to establish red snapper management specifications for 2000. The Council is preparing the regulatory amendment for submission to NMFS for review, approval, and implementation under the FMP's framework procedure. NMFS will implement any approved regulatory amendment measures through the framework's proposed and final rulemaking procedure; the final rule would replace the interim rule.

At this time, NMFS is not implementing any measures to reduce overfishing beyond those requested by the Council. The Council recommended no change to the status quo TAC of 9.12 million pounds; thus, this interim rule does not address or alter the current TAC. The Magnuson-Stevens Act as amended by the Sustainable Fisheries Act (SFA) mandates that overfished stocks be rebuilt to a biomass level capable of producing maximum sustainable yield (MSY). On November 17, 1999, NMFS disapproved the Council's rebuilding schedule proposed for red snapper in its Generic SFA Amendment to the Gulf of Mexico Fishery Management Council Fishery Management Plans because it specified a fishing-mortality-based rebuilding target rather than a biomass-based target

and because it did not estimate the time to rebuild in the absence of fishing mortality consistent with the Magnuson-Stevens Act and the national standard guidelines. The Council must submit a new rebuilding plan as soon as possible.

The recent stock assessment included a wide range of estimates of MSY and the stock biomass associated with MSY for red snapper. NMFS recognizes that there is considerable uncertainty associated with these estimates, and the Council has latitude to consider this uncertainty when developing a new rebuilding plan. Conditions approaching those estimated to exist near MSY for red snapper have not been seen in decades, and thus the assessment models require assumptions regarding the productivity of the stock to predict MSY. The SFA requires greater reductions in the red snapper harvest and in shrimp trawl bycatch mortality of juvenile red snapper than previous management targets.

Depending on the reduction of red snapper bycatch mortality achieved in the shrimp fishery and appropriate rebuilding parameters, the 1999 Reef Fish Stock Assessment Panel (RFSAP) estimates of acceptable biological catch (ABC) for TAC range from 0 to 9.12 million pounds. The best available scientific information indicates that the 9.12 million pound TAC for 2000 may slow the rate of recovery in the early years of any rebuilding program but would not jeopardize recovery of the stock consistent with the rebuilding requirements of the Magnuson-Stevens Act, particularly if greater reductions in bycatch mortality are achieved as expected. However, an immediate and significant reduction in TAC would have devastating effects upon participants in the fishery.

NMFS will continue to provide the Council with the best available scientific information regarding the status of the red snapper stock, the effectiveness of bycatch reduction devices (BRDs), and the effectiveness of the FMP's management measures in rebuilding the overfished red snapper resource. NMFS is working with the commercial fishing industry to develop new BRDs that will further reduce finfish bycatch while minimizing shrimp loss. Also, NMFS will continue to work with the Council in implementing the FMP's current red snapper stock rebuilding plan and in modifying this plan as necessary to restore the stock to a biomass level capable of producing maximum sustainable yield. Management options include adjustments to the fishing season, bag limit changes, quota reductions, fishing effort reduction,

vessel buy-back programs, and additional measures to reduce shrimp trawl bycatch mortality.

The adjustments implemented by this interim rule are needed to reduce overfishing while allowing the total allowable catch (TAC) to be harvested by fair, equitable, and effective means. These changes will reduce overfishing by: (1) Increasing the likelihood of compatible closures of state waters during Federal closures, thereby improving enforcement of closures of the EEZ recreational red snapper fishery and reducing the harvest from state waters during Federal closures; (2) improving compliance with Federal regulations by opening the recreational fishery during the time of greatest demand and reducing confusion among anglers by achieving compatible state and Federal regulations; and (3) reducing the rate of harvest in the commercial fishery, thus reducing the probability of the commercial fishery exceeding its quota. These 2000 red snapper measures are based, in part, on the recommendations to the Council from a stakeholder conference held in New Orleans, LA, on September 27, 1999. Stakeholders' recommendations for the 2000 recreational red snapper fishery included a 4-fish bag limit for the captain and crew of for-hire vessels, a size limit not to exceed 16 inches (40.6 cm), and a March 1 to October 31 recreational season. To reduce overfishing, these changes must be in effect before the fishing seasons begin.

Section 407(d) of the Magnuson-Stevens Act requires NMFS to close the Gulf of Mexico recreational red snapper fishery after the recreational quota (currently 4.47 million lb (2.03 million kg)) is caught. The recreational fishery was closed based on projections that the quota would be reached on November 27 in 1997, on September 29 in 1998, and on August 29 in 1999. Under the current 4-fish bag limit and 15-inch (38.1 cm) minimum size limit, NMFS projects that with a January 1 opening date for the recreational fishery, the 2000 quota (4.7 million lb (2.03 million kg)) would be caught on July 29, 2000; consequently, the fishery would be closed at 12:01 am on July 30, 2000.

The recreational fishery has exceeded its quota each year since 1997. This interim rule is intended to address this problem and to reduce the excess fishing mortality. Compatible state closures are essential for Federal closures to be effective. During 1999, the recreational red snapper fishery in most Gulf states' waters remained open for at least 3 months after the Federal closure. Under current regulations, the recreational fishery in the EEZ would be

open from January 1 to July 30, 2000. NMFS expects that the Gulf states would also open their fisheries on January 1, but they would not implement compatible closures and would not close state waters until at least October 31, as occurred during 1999. Thus, the harvest of red snapper in state waters would continue after the Federal closure. Furthermore, the lack of compatible regulations impedes enforcement of Federal regulations, results in reduced compliance, and increases overfishing. NMFS expects that four of the five Gulf states will implement rules compatible with this interim rule in 2000. By allowing the recreational fishery to be open during the time of greatest demand, compliance with regulations will be improved, thus, reducing overfishing. The change in the commercial season should reduce the rate of harvest and the probability of exceeding the commercial quota.

Recreational Season

The Council, in its proposed regulatory amendment for 1999 red snapper measures, recommended a delay in the opening of the recreational fishery from January 1 until March 1. The Council recommended this delay to extend the fishing season into the fall. However, analyses indicated that with a March 1 start, the fishery would close on July 30. Instead of extending the season into the fall, there would be a net loss of fishing days for the year. NMFS disapproved this measure because it would violate Magnuson-Stevens Act national standard 4, which requires that allocation of fishing privileges be fair and equitable. Public comments on the proposed rule for the 1999 regulatory amendment opposed the delay in the season opening; however, public testimony presented to the Council indicated substantial support for the delay if the season could be extended into the fall. NMFS recognizes that there will be considerable opposition to any closure of the red snapper recreational fishery regardless of the season closed.

Following disapproval of this measure, the stakeholders at the September 27, 1999, conference recommended a red snapper recreational season from March 1 to October 31. The Council attempted, to the extent possible, to implement the stakeholders' recommendations; however, based on the best available scientific information, the harvest from a March 1 to October 31 season would exceed the current recreational quota. The stakeholders' recommendations and testimony presented to the Council indicate that a season from April 21 to October 31 offers the greatest benefits to

Gulf anglers and, based upon the best available scientific information, is compatible with the recreational quota. A group of south Texas anglers, who participated in the stakeholders conference, submitted a minority opinion requesting a year-round fishery with a 4-fish bag limit and a 13-inch (33.0-cm) minimum size limit. However, the harvest from a year-round fishery, if implemented, would greatly exceed the quota and jeopardize the recovery of the stock. Therefore, the Council recommended a shorter season as close to the stakeholders' recommendation as possible.

The stakeholders discussed the request for a winter fishery from some south Texas anglers, but neither the stakeholders nor the south Texas minority report recommended a winter fishery. At the November Council meeting, the Council considered adding a January-February opening with a reduced bag limit to allow a winter fishery in response to requests from Texas representatives. The Council concluded that there was no way to do so without substantially shortening the prime April to October season and, thus, increasing the likelihood that illegal fishing during the closed season would occur, resulting in overfishing of the recreational quota. Furthermore, it is unlikely that other Gulf states, including Texas, would enact the compatible closures required to accommodate a winter fishery; consequently, the EEZ would be closed without compatible state closures thereby resulting in overfishing.

The interim rule provides Texas anglers, as well as anglers in other states, the opportunity to fish during the months of greatest historical demand. During 1996, the last year that the red snapper fishery was open year round, Texas monthly landings during May-October exceeded those of any other months. Analyses based on recent years (1995-1998) show that during January-March, monthly landings in Texas average 96,000 pounds (43,545 kg), substantially less than during August-October when monthly landings average 137,000 pounds (62,142 kg). Furthermore, the interim rule will provide economic benefits to the Texas for-hire industry by allowing the industry to operate during the months of greatest demand. Texas headboat trips during January-March average 5,000 trips per month as opposed to 8,000 trips per month during August-October. Texas charter boat trips show a similar trend, with an average of 1,200 trips per month during January-March and 2,000 trips per month during August-October. The March 1 opening previously

disapproved by NMFS would not have provided these benefits since the season would have closed on July 30 and would not have been extended into the fall.

Recreational Size Limit

The increase in the recreational minimum size limit from 15 inches (38.1 cm) to 16 inches (40.6 cm) is an essential component of the modified recreational fishing season. It will reduce the harvest rate and, in combination with the bag limit and closed seasons, will help ensure that the recreational quota is not exceeded and reduce overfishing. NMFS projections indicate that the reduction in catch rates from the increased size limit would allow the season to be extended by approximately 3 weeks without a significant increase in harvest. Increasing the minimum size limit constrains harvest rates by increasing the proportion of anglers who are unable to catch their bag limit. The NMFS Southeast Fisheries Science Center has determined that the measures contained in this interim rule, including any additional release mortality associated with the increase in the minimum size limit, will not jeopardize the long-term recovery of the stock. The extension of the fishing season will provide economic benefits to the recreational fishery and the Gulf tourism industry. The stakeholders recommended 16 inches (40.6 cm) as the largest minimum size acceptable to the recreational fishery.

The Council did not propose a corresponding increase in the existing commercial size limit of 15 inches (38.1 cm). The Council justified the discrepancy between the two size limits based on the different release mortality rates in the two fisheries and the need to extend the recreational season by increasing the minimum size limit. Commercial fishers fish in deeper water than recreational fishers and use electric reels, which bring fish to the surface more quickly than recreational fishers; consequently, the mortality rate of fish released in the commercial fishery (33 percent) is greater than that in the recreational fishery (20 percent). The best available scientific information suggests that few conservation benefits are provided by increases in the minimum size limit at release mortality rates of 33 percent or greater.

Recreational Bag Limit

Reinstating the 4-fish bag limit for captain and crew of for-hire vessels relieves a restriction on that sector of the fishery. The final rule for the 1999 red snapper regulatory amendment (64

FR 47711, September 1, 1999) implemented the existing 0-fish bag limit for captain and crew. The for-hire industry has vigorously opposed this measure. NMFS expects that none of the Gulf states will enact a compatible 0-fish bag limit measure, and, thus, enforcement of the measure would be difficult. If compliance with the measure is minimal, the harvest rate upon which the corresponding extension of the season is based will not be reduced and overfishing will occur. Restoring the captain-and-crew bag limit will encourage cooperation and voluntary compliance by the for-hire sector, which accounts for the greatest portion of the recreational harvest. By restoring the captain-and-crew bag limit, the projected fishery closure date will be based on an assumed catch rate reduction that will, in fact, be realized because of compatible state regulations. In addition, the measure will encourage cooperation and voluntary compliance by the for-hire sector, which accounts for the greatest portion of the recreational harvest, and, thereby, reduce overfishing.

NMFS approved the 0-fish bag limit for captain-and-crew last season because it extended the recreational season without a corresponding increase in harvest. Subsequent public comment and the recommendations of the stakeholders indicate that participants in the fishery are willing to sacrifice fishing days to reinstate the bag limit for captain and crew. Thus, NMFS has reinstated the 4-fish bag limit for the for-hire sector and delayed the starting date of the recreational season from April 15 (as requested by the Council) to April 21 to prevent a corresponding increase in harvest.

Spring Commercial Season

Reducing the openings of the spring commercial fishery from 15 days per month to 10 days per month will slow the harvest rate and reduce the probability of exceeding the commercial quota and overfishing. The shorter season will allow additional time to evaluate landings and, thus, reduce the probability of exceeding the commercial quota. This measure also will reduce confusion among fishers by providing consistent spring and fall fishing periods and, thus, increase compliance. Projections by the Council's Socioeconomic Panel and the experience of the 10-day openings (9 fishing days) during the 1999 fall season suggest that the reduced harvest rate also will help maintain price stability. This action should allow commercial red snapper fishermen to generate more

revenue with the same amount of catch, which should help reduce the incentive to pursue a derby fishery that would likely result in a quota overrun.

The NMFS Southeast Fisheries Science Center (Center) has determined that this interim rule is based on the best available scientific information and will not jeopardize the long-term recovery of the stock. The Center concluded that the interim measures would address overfishing of red snapper and are consistent with the FMP and the Magnuson-Stevens Act. The Center also emphasized the uncertainty associated with projections of catch rates in the recreational fishery and certified that the recreational quota is within the margin of error of the harvest projected under the measures contained in this interim rule.

NMFS finds that this interim rule is necessary to reduce overfishing of red snapper in the Gulf of Mexico. NMFS issues this interim rule, effective for not more than 180 days, as authorized by section 305(c) of the Magnuson-Stevens Act. This interim rule may be extended for an additional 180 days, provided that the public has had an opportunity to comment on the interim rule and provided that the Council is actively preparing proposed regulations to address this overfishing on a permanent basis. Public comments on this interim rule are invited and will be considered in determining whether to maintain or extend this rule to address overfishing of red snapper. The Council is preparing a regulatory amendment under the FMP framework procedure to address, on a permanent basis, red snapper overfishing issues that are the subject of this rule.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this interim rule is necessary to reduce overfishing of red snapper in the Gulf of Mexico and is consistent with the Magnuson-Stevens Act and other applicable laws.

This interim rule has been determined to be significant for purposes of E.O. 12866.

This rule was submitted to the states of Florida, Alabama, Mississippi, Louisiana, and Texas for review under section 307(c) of the Coastal Zone Management Act, with a request for an alternative notification schedule and expedited review (15 CFR 930.34(b)). All of the reviewing states agreed to the expedited schedule, and all states except Texas either concurred with NMFS' determination of consistency with their approved coastal management programs (CMPs) or found

the matter not subject to consistency review. The Texas Coastal Coordination Council (TCCC) determined the interim rule to be inconsistent with Texas' CMP based on its belief that the rule conflicts with the goals of 31 TAC 501.12(2) and (8). Paragraphs (2) and (8) of 31 TAC 501.12 are similar to National Standards for Fishery Conservation and Management Two and Eight of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(2) and (8)). The TCCC also believed the rule to be inconsistent with Magnuson-Stevens Act National Standards Two, Four, Six, Eight, and Ten. The TCCC urged special regulations for the red snapper fishery off Texas, without suggesting any specifics.

NMFS disagrees with the TCCC, and responded by letter dated December 14, 1999, that, to the maximum extent practicable with the requirements of Magnuson-Stevens Act National Standards One, Two, Three, Four, Six, Eight, and Ten (16 U.S.C. 1851(a)(1), (2), (3), (4), (6), (8), and (10)), the interim rule is consistent with Texas' CMP. While the Council plans to examine the issue of separate management measures for the waters off the coast of Texas, the present administrative record does not support the existence of a separate red snapper fishery there.

National Standard Two (16 U.S.C. 1851(a)(2)) requires that management measures be based on the best scientific information available. National Standard Three (16 U.S.C. 1851(a)(3)) requires that a stock of fish be managed as a unit throughout its range. The stock of Gulf of Mexico red snapper ranges throughout the Gulf of Mexico, with no separate stock as yet scientifically identified off the Texas coast. National Standard Four (16 U.S.C. 1851(a)(4)) prohibits discrimination between residents of different states and requires, *inter alia*, that the allocation of fishing privileges among United States fishermen be fair and equitable. The measures in this interim rule, particularly the recreational fishing season, are consistent with longstanding historical fishing practices of all participants in the Gulf of Mexico red snapper fishery, including Texas fishermen.

With respect to National Standard Eight (16 U.S.C. 1851(a)(8)), the interim rule preserves recreational fishing opportunities for Texas fishing communities during the months of greatest historical demand. In addition, opening the recreational fishery during winter months is not practicable since it would result in an earlier fishery closure and decrease the likelihood of compatible regulations among most Gulf

coastal States, which, in turn, would increase the likelihood of recreational quota overruns and overfishing, which is prohibited by National Standard One (16 U.S.C. 1851(a)(1)). Similarly, the rule preserves commercial fishing opportunities as well. With respect to National Standard Ten (16 U.S.C. 1851(a)(10)), the interim rule is not likely to affect safety at sea adversely since the commercial 10-day monthly seasons will actually reduce the incentive for a derby fishery.

National Standard Six (16 U.S.C. 1851(a)(6)) requires consideration of, and allowance for, variations and contingencies in fisheries, fishery resources and catches. TCCC believes that there is a higher release mortality rate for red snapper in the deeper waters of the western Gulf of Mexico and that NMFS has not taken this into consideration. NMFS used a release mortality rate of 20 percent for the recreational fishery based upon the best scientific information available, as required by National Standard Two. The administrative record does not contain sufficient documentation of, or scientific bases for, using higher release mortality rates.

Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

NMFS prepared an economic analysis of the expected regulatory impacts of the interim rule. NMFS analyzed commercial fishing derbies during the last decade to determine the probable economic consequences of commercial spring and fall seasons consisting of a series of 10-day mini-derbies during the year 2000. NMFS concluded that a series of 10-day commercial derbies conducted under a 9.12 million-lb (4.14 million-kg) TAC could measurably increase the average total and net revenues for the year compared to 15-day openings. Shorter mini-seasons during 1998–99 reduced landings per month, supported higher ex-vessel prices, and extended domestic supplies. The expected economic consequences for the recreational sectors are less definite because of uncertainties regarding the recreational catch that may be realized versus recreational catches that can be forecast with available data.

If the changes in the recreational fishery regulations, which include an April 21 to October 31 season and an increase in the size limit to 16 inches (40.6 cm), result in catches that are no greater than the recreational quota, then

NMFS expects an increase in net benefits for all portions of the recreational fishery in aggregate. However, if the realized catches exceed the quota, then longer-term benefits will be reduced because stock recovery will be slowed by an indeterminate amount. In theory, if the management measures in this interim rule are very different from the management measures preferred by the Gulf states, it is unlikely that the Gulf states will adopt compatible regulations. Under incompatible Federal and state regulations, harvests will probably continue in state waters after Federal closures. These harvests will impede stock rebuilding efforts. Under the existing management scheme, for example, harvests during the Federal closures could exceed 600,000 lb (272,155 kg) during a fishing year. The Gulf states are more likely to adopt any scenario approximating the Council's requested season of April 15–October 31, thus reducing the negative effects of incompatible Federal and state rules.

Copies of the economic analysis are available upon request (see **ADDRESSES**).

This interim rule addresses overfishing. In the past, the lack of compatible management of the red snapper fishery by most Gulf states resulted in continued fishing in state waters after Federal waters were closed. This contributed to quota overruns and overfishing. NMFS anticipates that four of the five Gulf states will adopt measures compatible with the measures of this interim rule. This will enhance the effectiveness of the closed seasons and will significantly reduce the probability of overfishing. The increase in the recreational minimum size limit will reduce the harvest rate and, in combination with the bag limit and closed seasons, will help ensure that the recreational quota is not exceeded and that overfishing does not occur. Reducing the openings of the commercial fishery from 15 days per month to 10 days per month will slow the harvest rate and reduce the probability of exceeding the commercial quota and overfishing. Reinstating the 4–fish bag limit for captain and crew of for-hire vessels relieves a restriction on that sector of the fishery. The Council provided public notification in the **Federal Register** on October 25, 1999, of the red snapper issues that would be considered at its November 8–12, 1999, Council meeting and afforded the public the opportunity at that meeting to comment on the measures contained in this interim rule. Delaying action to reduce overfishing in the red snapper fishery of the Gulf of Mexico to provide further notice and an opportunity for

public comment would increase the likelihood of a loss of long-term productivity from the fishery and increase the probable need for more severe restrictions in the future. Accordingly, under authority set forth at 5 U.S.C. 553(b)(B), the AA finds, for good cause, namely the reasons set forth above, that providing prior notice and the opportunity for prior public comment would be contrary to the public interest.

Under 5 U.S.C. 553(d)(3), the AA finds for good cause that a 30-day delay in the effective date of § 622.34(n) would be contrary to the public interest. Section 622.34(n) delays the opening of the recreational fishing season from January 1 until April 21 to allow the limited quota to be harvested during the peak recreational fishing season. If § 622.34(n) is not effective on January 1, 2000, the recreational fishery would begin on January 1, and NMFS would have to compensate for any landings between January 1 and the effective date of § 622.34(n) by shortening the proposed April 21–October 31 season preferred by a majority of the recreational sector. Accordingly, § 622.34(n) is being made effective January 1, 2000, thereby providing the maximum delayed effectiveness, 12 days, consistent with achieving the objectives of this rule.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: December 15, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.34, paragraph (l) is suspended, and paragraphs (m) and (n) are added to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(m) *Closures of the commercial fishery for red snapper.* The commercial fishery for red snapper in or from the Gulf EEZ is closed from January 1 to noon on February 1 and thereafter from

noon on the 10th of each month to noon on the first of each succeeding month until the quota specified in § 622.42(a)(1)(i)(A) is reached or until noon on September 1, whichever occurs first. From September 1 to December 1, the commercial fishery for red snapper in or from the Gulf EEZ is closed from noon on the 10th of each month to noon on the first of each succeeding month until the quota specified in § 622.42(a)(1)(i)(B) is reached or until the end of the fishing year, whichever occurs first. All times are local times. During these closed periods, the possession of red snapper in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in § 622.39(b)(1)(viii) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1). However, when the recreational quota for red snapper has been reached and the bag and possession limits have been reduced to zero, such possession is limited to zero during a closed period.

(n) *Closures of the recreational fishery for red snapper.* The recreational fishery for red snapper in or from the Gulf EEZ is closed from January 1, 2000, to April 21, 2000, and from November 1, 2000, through December 31, 2000. During a closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero.

3. In § 622.37, paragraph (d)(1)(iv) is suspended and paragraph (d)(1)(vi) is added to read as follows:

§ 622.37 Size limits.

* * * * *

(d) * * *

(1) * * *

(vi) Red snapper—16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.39(b)(1)(viii) and 15 inches (38.1 cm), TL, for a fish taken by a person not subject to the bag limit.

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4. In § 622.39, paragraphs (b)(1)(iii) and (b)(1)(v) are suspended and paragraphs (b)(1)(viii) and (b)(1)(ix) are added to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(b) * * *

(1) * * *

(viii) Red snapper—4.

(ix) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1)(i), (b)(1)(ii), and (b)(1)(iv) and in (b)(1)(vi) through (b)(1)(viii) of this section and excluding dwarf sand perch and sand perch—20.

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[FR Doc. 99–32874 Filed 12–15–99; 4:01 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981014259–8312–02; I.D. 120899F]

Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period

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

ACTION: Commercial quota harvest for Quarter 4 period.

SUMMARY: NMFS announces that the black sea bass commercial quota available in the Quarter 4 period to the coastal states from Maine through North Carolina has been harvested. Commercial vessels may not land black sea bass in the northeast region for the remainder of the 1999 Quarter 4 quota period (through December 31, 1999). Regulations governing the black sea bass fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing black sea bass in these states north of 35°15.3' N. lat.

DATES: Effective December 20, 1999, 0001 hrs, local time through December 31, 1999, 2400 hrs, local time.

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

SUPPLEMENTARY INFORMATION: Regulations governing the black sea bass fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into four quota periods based upon percentages of the annual quota. The Quarter 4 commercial quota (October through December) is distributed to the coastal states from Maine through North Carolina. The