

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.

\* \* \* \* \*

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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**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

process to set the annual commercial quota is described in § 648.140.

The initial total commercial quota for black sea bass for the 1999 calendar year was set equal to 3,025,000 lb (1,372,117 kg) (63 FR 72203, December 31, 1998). The Quarter 4 period quota, which is equal to 19.77 percent of the annual commercial quota, was set at 598,043 lb (271,268 kg).

Section 648.140(d)(2) requires the Regional Administrator to determine the date a quarterly commercial quota has been harvested. The Regional Administrator is further required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the black sea bass commercial quota has been harvested and no commercial quota is available for landing black sea bass for the remainder of the Quarter 4 period, north of 35°15.3' N. lat. The Regional Administrator has determined, based upon dealer reports and other available information, that the black sea bass commercial quota for the 1999 Quarter 4 period has been harvested.

The regulations at § 648.4(b) provide that Federal black sea bass moratorium permit holders agree as a condition of

the permit not to land black sea bass in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for the black sea bass is available. The Regional Administrator has determined that the Quarter 4 period for black sea bass no longer has commercial quota available. Therefore, effective 0001 hrs local time, December 20, 1999, further landings of black sea bass in coastal states from Maine through North Carolina, north of 35°15.3' N. lat. by vessels holding commercial Federal fisheries permits are prohibited through December 31, 1999, 2400 hrs local time. The Quarter 1 period for commercial black sea bass harvest will open on January 1, 2000. Effective December 20, 1999, federally permitted dealers are also advised that they may not purchase black sea bass from federally permitted black sea bass moratorium permit holders that land in coastal states from Maine through North Carolina for the remainder of the Quarter 4 period (through December 31, 1999).

The regulations at § 648.4(b) also provide that, if the commercial black sea bass quota for a period is harvested and the coast is closed to the possession of

black sea bass north of 35°15.3' N. lat., any vessel owners that hold valid commercial permits for both the black sea bass and the NMFS Southeast Region Snapper-Grouper fisheries may surrender their moratorium Black Sea Bass permit by certified mail addressed to the Regional Administrator (see Table to § 600.502) and fish pursuant to their Snapper-Grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3' N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

#### **Classification**

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

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

Dated: December 14, 1999.

**Gary C. Matlock,**

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

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