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Rosalyn G. Millman,
Acting Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 010600A]

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna

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

ACTION: Closure.

SUMMARY: NMFS closes for the 1999 fishing year (June 1, 1999, through May 31, 2000) the Angling category fishery for large medium and giant Atlantic bluefin tuna (BFT) in the southern area (the waters off Delaware and states south). Fishing for, retaining, possessing, or landing large medium and giant BFT (measuring 73 inches (185 cm) curved fork length or greater) under the Angling category quota is prohibited effective at 11:30 p.m., January 8, 2000. This action is being taken to prevent overharvest of the Angling category southern area subquota for large medium and giant (trophy) BFT.

DATES: Effective 11:30 p.m. on January 8, 2000, through May 31, 2000.

FOR FURTHER INFORMATION CONTACT: Brad McHale, 978-281-9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635.

NMFS is required, under § 635.28 (a)(1), to file with the Office of the Federal Register for publication notification of closure when a BFT quota is reached, or is projected to be reached. On and after the effective date and time of such notification, for the remainder of the fishing year or for a specified period as indicated in the notice, fishing for, retaining, possessing, or landing BFT under that quota category is prohibited until the opening of the subsequent quota period or until such date as specified in the notice.

The 1999 BFT quota specifications issued pursuant to § 635.27 set a quota of 4 mt of large medium and giant BFT (measuring 73 inches (185 cm) curved

fork length or greater) to be harvested in the southern area (the waters off Delaware and states south) by vessels permitted in the Angling category or Charter/Headboat category during the 1999 fishing year (64 FR 29806, June 3, 1999). The southern area trophy BFT subquota was subsequently adjusted to 4.8 mt (64 FR 48111, September 2, 1999). Based on reported landings of trophy BFT in the southern area, i.e., through the North Carolina Harvest Tagging Program and the Automated Landings Reporting System, and recent effort in the waters off North Carolina, NMFS projects that this subquota will be reached by January 8, 2000. Therefore, through May 31, 2000, fishing for, retaining, possessing, or landing large medium or giant BFT by vessels in the Angling or Charter/Headboat category in the southern area must cease at 11:30 p.m., January 8, 2000.

The intent of this closure is to prevent overharvest of the Angling category southern area trophy BFT subquota. Anglers are reminded that all BFT landed under the Angling category quota must be reported within 24 hours of landing to the NMFS Automated Landings Reporting System by calling 888-USA-TUNA (888-872-8862) or, if

landed in the state of North Carolina, to a reporting station prior to offloading. Information about the North Carolina harvest tagging program, including reporting station locations, can be obtained by calling (800) 338-7804. In addition, anglers aboard permitted vessels may continue to tag and release BFT of all sizes under a tag-and-release program, provided the angler tags all BFT so caught, regardless of whether previously tagged, with conventional tags issued or approved by NMFS, returns such fish to the sea immediately after tagging with a minimum of injury, and reports the tagging, and, if the BFT was previously tagged, the information on the previous tag (50 CFR 635.26).

Classification

This action is taken under §§ 635.27(a) and 635.28 (a)(1) and is exempt from review under Executive Order 12866.

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

Dated: January 7, 2000.

Bruce C. Morehead,

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