

be reached shortly, and a delay in the effectiveness of these regulations will prevent NMFS from closing the *Loligo* fishery for Period I in a timely manner. If the Period I fishery is not closed in a timely manner and the quota is exceeded, NMFS will be required to deduct the Period I quota overage from the quota allocated to Period III. However, Period III occurs at a time of year when fishermen receive higher prices for *Loligo*. As a result, the inability to restrict *Loligo* landings to the quota for Period I would cause fewer higher priced fish to be available for harvest in Period III, thereby reducing fishermen's profits. For these reasons, the AA finds good cause under 5 U.S.C. sec. 553(d)(3) not to delay for 30 days the effectiveness of the quotas and §§ 648.21(e) and 648.22.

**List of Subjects 50 in CFR Part 648**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 22, 2000.

**Penelope D. Dalton,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

**PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.21, paragraph (e) is added to read as follows:

**§ 648.21 Procedures for determining initial annual amounts.**

\* \* \* \* \*

(e) *Distribution of annual commercial quota.* (1) Beginning January 1, 2000, a commercial quota will be allocated annually into three periods, based on the following percentages:

Period	Percent
I—January–April .....	42
II—May–August .....	18
III—September–December .....	40

(2) Beginning January 1, 2000, any underages of commercial period quota for Periods I and II will be applied to Period III after November 15 of the same year and any overages of commercial quota for Periods I and II will be subtracted from Period III after November 15 of the same year.

3. In § 648.22, paragraph (a) is revised to read as follows:

**§ 648.22 Closure of the fishery.**

(a) *General.* NMFS shall close the directed mackerel fishery in the EEZ when U.S. fishermen have harvested 80 percent of the DAH of that fishery if such closure is necessary to prevent the DAH from being exceeded. The closure shall remain in effect for the remainder of the fishing year, with incidental catches allowed as specified in paragraph (c) of this section, until the entire DAH is attained. When the Regional Administrator projects that DAH will be attained for mackerel, NMFS shall close the mackerel fishery in the EEZ, and the incidental catches specified for mackerel in paragraph (c) of this section will be prohibited. NMFS shall close the directed fishery in the EEZ for *Loligo* when 90 percent is harvested in Periods I and II, and when 95 percent of DAH has been harvested in Period III. The closure of the directed fishery shall be in effect for the remainder of the fishing period with incidental catches allowed as specified in paragraph (c) of this section. NMFS shall close the directed fishery in the EEZ for *Illex* or butterfish when 95 percent of DAH has been harvested. The closure of the directed fishery shall be in effect for the remainder of the fishing year with incidental catches allowed as specified in paragraph (c) of this section.

\* \* \* \* \*

4. In § 648.23, paragraph (c) is revised to read as follows:

**§ 648.23 Gear restrictions.**

\* \* \* \* \*

(c) *Mesh obstruction or constriction.* The owner or operator of a fishing vessel shall not use any mesh construction, mesh configuration or other means that effectively decreases the mesh size below the minimum mesh size, except that a liner may be used to close the opening created by the rings in the aftermost portion of the net, provided the liner extends no more than 10 meshes forward of the aftermost portion of the net. The inside webbing of the codend shall be the same circumference or less than the outside webbing (strengthened). In addition, the inside webbing shall not be more than 2 ft (61 cm) longer than the outside webbing.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 991228354-0078-02; I.D. 032100C]

**Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for *Loligo* Squid**

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

**ACTION:** Closure.

**SUMMARY:** NMFS announces that the directed fishery for *Loligo* squid in the exclusive economic zone (EEZ) is closed. Vessels issued a Federal permit to harvest *Loligo* squid may not retain or land more than 2,500 lb (1.13 mt) per trip of *Loligo* squid for the remainder of Quota Period I. This action is necessary to prevent the fishery from exceeding the Period I quota and allow for rebuilding of this overfished stock, while allowing for fishing throughout the year.

**DATES:** Effective 0001 hours, March 25, 2000, through 0001 hours, May 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin, Fishery Policy Analyst, 508-281-9104, fax 978-281-9135, e-mail [myles.a.raizin@noaa.gov](mailto:myles.a.raizin@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Regulations governing the *Loligo* squid fishery are found at 50 CFR part 648. The regulations require annual specifications for initial optimum yield as well as the amounts for allowable biological catch, domestic annual harvest (DAH), domestic annual processing, joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The procedures for setting the annual initial specifications are described at § 648.21.

The 2000 specification of DAH for *Loligo* squid was set at 13,000 mt as part of the Atlantic mackerel, squid, and butterfish specifications published elsewhere in the Rules section of today's *Federal Register*. This amount is allocated among three quota periods as indicated in the following table.

TABLE 2.—LOLIGO QUOTA PERIOD ALLOCATIONS

Quota Period	Per- cent	Metric Tons
I (Jan-Apr) .....	42	5,460
II (May-Aug) .....	18	2,340
III (Sep-Dec) .....	40	5,200
Total .....	100	13,000

Section 648.22 requires NMFS to close the directed *Loligo* squid fishery in the EEZ when 90 percent of the DAH for *Loligo* squid is harvested in either Period I or II, or 95 percent is harvested in Period III. NMFS is further required to notify, in advance of the closure, the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the closure to all holders of *Loligo* squid permits at least 72 hours before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register**. NMFS has determined, based on vessel and dealer logbook data, that 90 percent of the DAH for *Loligo* squid in Period I has been harvested. Therefore, effective 0001 hours, March 25, 2000, the directed fishery for *Loligo* squid is closed and vessels issued Federal permits for *Loligo* squid may not retain or land more than 2,500 lb (1.13 mt) per trip. The directed fishery will reopen effective 0001 hours, May 1, 2000, which marks the beginning of Quota Period II.

**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: March 22, 2000.

**Gary C. Matlock,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 000214041-0081-02; I.D. 012100C]

RIN 0648-AN50

**Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Fishery Line Clipper and Dipnet Requirement; Guidelines for Handling of Sea Turtles Brought Aboard Hawaii-based Pelagic Longline Vessels**

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

**ACTION:** Final rule; gear requirements.

**SUMMARY:** NMFS issues a final rule to require the possession and use of line clippers and dip nets aboard vessels registered for use under a Hawaii pelagic longline limited access permit to disengage sea turtles hooked or entangled by longline fishing gear. The final rule requires the use of specific methods for the handling, resuscitating, and releasing of sea turtles. The intended effect of the measures is to minimize the mortality of, and injury to, sea turtles hooked or entangled by longline fishing gear.

**DATES:** Effective April 27, 2000.

**ADDRESSES:** Copies of the environmental assessment (EA) and final regulatory flexibility analysis (FRFA) prepared for this action may be obtained from Charles Karnella, Administrator, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700, and from Alvin Katekaru or Marilyn Luipold, PIAO.

**FOR FURTHER INFORMATION CONTACT:** Margaret Dupree or Marilyn Luipold, 808-973-2937.

**SUPPLEMENTARY INFORMATION:** The Hawaii-based pelagic longline fishery is managed under the Fishery Management Plan for the Pelagics

Fisheries of the Western Pacific Region (FMP). The FMP was prepared by the Western Pacific Fishery Management Council (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 660.

On November 26, 1999, the United States District Court, District of Hawaii, entered an Order in *CMC v. NMFS* directing NMFS to require, within 4 months of the date of entry of the Order, "every vessel with a Hawaii longline limited entry permit to carry and use line clippers and dip nets to disengage any hooked or entangled sea turtles with the least harm possible to the turtles." NMFS published a proposed rule on February 17, 2000 (65 FR 8107), that provided background. That background is not repeated here.

**Comments and Responses**

*Comment:* One commenter objected to the requirement that all vessels registered for use under a Hawaii pelagic longline limited access permit carry and use a line clipper and dip net. The commenter believes longline fishermen targeting tuna south of 24° N. lat. should be exempt from the requirements because they do not experience major interactions with sea turtles or sea birds.

*Response:* Sea turtles may interact with longline gear set for tuna, as well as swordfish, and in areas south of 24° N. lat. Embedded hooks or entangled line left on a turtle may seriously injure it and result in mortality once the turtle is released. Vessels registered under a Hawaii longline limited access permit deploy longline gear, and therefore, NMFS considers it necessary to require such vessels to possess gear intended to assist with disengaging sea turtles hooked or entangled by longline fishing gear. NMFS continues to explore and consider other appropriate mitigation measures.

The final rule is unchanged from the proposed rule, with the exception of one change to increase the clarity of the rule text. The phrase "comply with" has been substituted for the term "follow" in 50 CFR 660.22(dd).