

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 635**

[I.D. 100300B]

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna

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

ACTION: Adjustment of General category daily retention limit on previously designated restricted fishing days.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) General category restricted fishing day (RFD) schedule should be adjusted; i.e., certain RFDs should be waived in order to allow for maximum utilization of the General category subquota for the October–December fishing period. Therefore, NMFS increases the daily retention limit from zero to one large medium or giant BFT on the following previously designated RFDs for 2000: October 7, 10, 14, and 15.

DATES: Effective October 4, 2000.

FOR FURTHER INFORMATION CONTACT: Pat Scida or 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 (Magnuson-Stevens 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. General category effort controls (including time-period subquotas and RFDs) are specified annually under 50 CFR 635.23(a) and 635.27(a). The 2000 General category effort controls were specified on July 7, 2000 (65 FR 42883, July 12, 2000).

Adjustment of Daily Retention Limit for Selected Dates

Under 50 CFR 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT. Catch rates have continued to vary this season, and NMFS recognizes that at this time of year they can be very dependent on weather conditions. In addition, due to the temporal and geographical nature of the fishery, certain gear types and areas

are more productive at various times during the fishery. Based on a review of dealer reports, daily landing trends, the availability of BFT on the fishing grounds, and weather conditions, NMFS has determined that adjustment to the RFD schedule, and, therefore, an increase of the daily retention limit for certain previously designated RFDs, is necessary. Therefore, NMFS adjusts the daily retention limit for October 7, 10, 14, and 15, 2000, to one large medium or giant BFT per vessel. NMFS has selected these days in order to give adequate advance notice to fishery participants and NMFS enforcement.

The intent of this adjustment is to allow for maximum utilization of the General category subquotas for the October–December fishing period (specified under 50 CFR 635.27(a)) by General category participants in order to help achieve optimum yield in the General category fishery, to collect a broad range of data for stock monitoring purposes, and to be consistent with the objectives of the Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks. For these same reasons, NMFS has already adjusted the General category daily retention limit for ten previously scheduled RFDs in July and August (65 FR 46654, July 31, 2000), and six previously scheduled RFDs in September (65 FR 54970, September 12, 2000). The remaining previously scheduled RFD (which has not been waived) corresponds to a market closure in Japan, and could promote better ex-vessel prices.

Classification

This action is taken under 50 CFR 635.23(a)(4) and is exempt from review under Executive Order 12866.

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

Dated: October 4, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 991228354–0078–02; I.D. 100300A]

RIN 0648-AM49

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2000 Specifications Adjustment

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

ACTION: Inseason adjustment of Loligo squid annual specifications; announcement of a limited directed fishery and subsequent closure.

SUMMARY: NMFS announces that the Regional Administrator, Northeast Region, NMFS (Regional Administrator), is increasing the annual specifications for *Loligo* squid, including allowable biological catch (ABC), initial optimum yield (IOY), domestic annual harvest (DAH) and domestic annual processing (DAP), from 13,000 metric tons (mt) to 15,000 mt. The regulations governing the Atlantic mackerel, squid and butterfish fisheries require notice to provide interested parties the opportunity to comment on the adjustments. NMFS also announces that the Period III directed *Loligo* squid commercial fishery in the exclusive economic zone (EEZ) is reopened until 0001 hours October 26, 2000, as a result of this adjustment.

DATES: The Period III directed *Loligo* squid commercial fishery in the EEZ is reopened effective October 7, 2000, through October 25, 2000. Effective 0001 hours, October 26, 2000, the directed fishery for *Loligo* squid will close through December 31, 2000. Comments on the *Loligo* squid inseason adjustment notice must be received by November 9, 2000.

ADDRESSES: Comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope “Comments on Adjustment of *Loligo* Squid Annual Specifications.”

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978–281–9273, fax 978–281–9135, e-mail paul.h.jones@noaa.gov.

SUPPLEMENTARY INFORMATION: On March 28, 2000, NMFS published final 2000

initial specifications for the Atlantic mackerel, squid, and butterfish fisheries at 65 FR 16341. The *Loligo* squid specifications were established as follows: 26,000 mt maximum optimum yield (Max OY); 13,000 mt ABC, IOY, DAH and DAP; 0 mt joint venture processing (JVP); and 0 mt total allowable level of foreign fishing (TALFF). The final rule also specified that the *Loligo* squid IOY of 13,000 mt be subdivided into three, 4-month quota periods (Period I (Jan-Apr)—5,460 mt, Period II (May-Aug)—2,340 mt, and Period III (Sep-Dec)—5,200 mt). This quota is made available to the directed fishery until 95 percent of the annual allocation is landed. When landings reach that level, the directed fishery is closed and incidental landings only are allowed, with a limit of 2,500 lb (1.13 mt) per trip.

The most recent assessment of the *Loligo* stock (29th Northeast Regional Stock Assessment Workshop, August 1999 (SAW-29)) concluded that the stock was approaching an overfished condition and overfishing was occurring. The control rule adopted in Amendment 8 to the FMP assumes a linear relationship between biomass levels and fishing mortality rate (F), and

implies that, at the current biomass levels, F should be reduced to near zero. However, SAW-29 projections indicated that the control rule is overly conservative, and that, given the nature of the stock, the biomass can rebuild in a relatively short time, even at fishing mortality rates approaching FMSY. Consistent with this advice, the initial specifications for 2000 were set at 90 percent of FMSY, or 13,000 mt.

The most recent data from the NMFS research survey for *Loligo* squid indicate that abundance of this species has increased significantly since the most recent assessment was conducted (SAW-29). Estimates of biomass based on NMFS' Northeast Fisheries Science Center autumn 1999 and spring 2000 survey indices for *Loligo* squid indicate that the stock is currently at, or near, the biomass level that produces maximum sustainable yield (Bmsy).

Section 648.21(e) allows the Regional Administrator, in consultation with the Council, to recommend inseason adjustments to the annual specifications during the fishing year by publishing notification in the **Federal Register** and providing a 30-day public comment period. Accordingly, based on the new survey data, the Council requested that

NMFS process an inseason action to adjust the annual specifications for *Loligo* squid, including ABC, IOY, DAH and DAP, from 13,000 mt to 15,000 mt. Given the short-lived nature of this species (1 year) and the most recent survey information, the 2,000-mt increase is justified. Quota Periods I and II are closed to directed fishing when 90 percent of each allocation is harvested, directed fishing for the remainder of the year is ended when 95 percent of the annual DAH is reached. Due to overages in Period I and II in 2000, only approximately 720 mt will be available for harvest by the directed fishery for the remainder of this fishing year, even with the 2,000-mt adjustment. However, the additional allocation will provide the industry with an additional fishing opportunity in Period III and keep vessels from fishing for other, less robust species. Max OY remains at 26,000 mt, and JVP and TALFF remain at 0 mt.

2000 Final Specifications

The following table contains the final adjusted specifications for the 2000 Atlantic mackerel, *Loligo* and *Illex* squids, and butterfish fisheries.

TABLE 1. FINAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 2000.

Metric Tons (mt)

Specifications	Squid		Atlantic Mackerel	Butterfish
	Loligo	Illex		
MAX OY	26,000	24,000	N/A ¹	16,000
ABC	15,000	24,000	347,000	7,200
IOY	15,000	24,000	75,000 ²	5,900
DAH	15,00	24,000	75,000 ³	5,900
DAP	15,00	24,000	50,000	5,900
JVP	0	0	10,000 ⁴	0
TALFF	0	0	0	0

¹Not applicable.

²OY may be increased during the year, but the total ABC will not exceed 347,000 mt.

³Includes 15,000 mt of Atlantic mackerel recreational allocation.

⁴JVP may be increased up to 15,000 mt at discretion of the Regional Administrator.

Reopening of the Period III Loligo Squid Commercial Fishery

Section 648.22 requires the closure of the directed Loligo squid fishery in the EEZ when 95 percent of the total annual DAH *Loligo* squid has been harvested. 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 issued a notification in the **Federal Register** on September 6, 2000 (65 FR 53940), announcing that the directed fishery for *Loligo* squid in the EEZ would close on September 7, 2000. This inseason adjustment will reopen the fishery effective 0001 hours, October 7, 2000. Based on the rate of fishing in the *Loligo* fishery in prior years, NMFS has determined that 95 percent of the total annual DAH for *Loligo* squid will be harvested by October 25, 2000. Therefore, vessels issued a commercial Federal fisheries permit for the *Loligo* squid fishery may land *Loligo* squid effective 0001 hours, October 7, 2000, through October 25, 2000. Effective 0001 hours, October 26, 2000, the directed fishery for *Loligo* squid will close and vessels issued Federal permits

for *Loligo* squid may not retain or land more than 2,500 lb (1.13 mt) of *Loligo* per trip. The directed fishery will reopen effective 0001 hours, January 1, 2001, which is the beginning of the Period I quota for the 2001 fishing year.

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: October 3, 2000.

Richard W. Surdi,

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