

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 970930235-8028-02; I.D. 022498A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone (EEZ) in the Florida west coast subzone. This closure is necessary to protect the overfished Gulf king mackerel resource.

DATES: Effective 6:00 p.m., local time, February 24, 1998, through June 30, 1998.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-570-5305

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622.

Based on the Councils' recommended total allowable catch and the allocation ratios in the FMP, NMFS recently implemented (63 FR 8353, February 19, 1998) a commercial quota for the Gulf of Mexico migratory group of king mackerel in the Florida west coast subzone of 1.17 million lb (0.53 million kg). That quota was further divided into two equal quotas of 585,000 lb (265,352 kg) for vessels in each of two groups by gear types—vessels fishing with run-around gillnets and those using hook-and-line gear (50 CFR 622.42(c)(1)(i)(A)(2)). The fishery was opened February 20, 1998 (63 FR 9158, February 24, 1998), to allow harvest of the remaining balance between the newly implemented quota and former, lower quota of 432,500 lb (196,179 kg).

In accordance with 50 CFR 622.43(a)(3), NMFS is required to close any segment of the king mackerel commercial fishery when its allocation or quota is reached or is projected to be reached by publishing a notification in the **Federal Register**. NMFS has determined that the commercial quota of 585,000 lb (265,352 kg) for Gulf group king mackerel for vessels using run-around gillnets in the Florida west coast subzone was reached on February 23, 1998. Accordingly, the commercial fishery for king mackerel for such vessels in the Florida west coast subzone is closed effective 6:00 p.m., local time, February 24, 1998, through June 30, 1998, the end of the fishing year.

The Florida west coast subzone extends from 87°31'06" W. long. (due south of the Alabama/Florida boundary) to: (1) 25°20.4' N. lat. (due east of the Dade/Monroe County, FL, boundary) through March 31, 1998; and (2) 25°48' N. lat. (due west of the Monroe/Collier County, FL, boundary) from April 1, 1998, through October 31, 1998.

Classification

This action is taken under 50 CFR 622.43(a)(3) and is exempt from review under E.O. 12866.

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

Dated: February 24, 1998.

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 697

[Docket No. 980129023-8023-01; I.D. 121997B]

RIN: 0648-AJ74

Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery; Interim Prohibition on Certain Vessels Landing Lobster in Excess of Specified Limits

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS issues this interim final rule to implement Congressionally mandated regulations contained in the

Sustainable Fisheries Act (SFA), which amended the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act). The interim final rule implements regulations that prohibit any vessel that takes lobster in the Exclusive Economic Zone (EEZ) by a method other than pots or traps from landing lobsters (or any parts thereof) at any location within the United States in excess of 100 lobsters (or parts thereof) for each fishing trip of 24 hours, or less duration, 500 lobsters (or parts thereof) during any 5-day period; or 500 lobsters (or parts thereof) for each fishing trip of 5 days or longer.

DATES: Effective March 1, 1998. Written comments must be received on or before April 1, 1998. Comments will be considered by NMFS during separate and forthcoming proposed regulations to end overfishing of American lobsters by all methods of harvest in the EEZ.

ADDRESSES: Comments on the rule should be sent to, and copies of the environmental assessment/regulatory impact review (EA/RIR) are available from, Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, 8484 Georgia Avenue, Suite 425, Silver Spring, MD 20910-3282.

FOR FURTHER INFORMATION CONTACT: Tom Meyer, Telephone 301-427-2014

SUPPLEMENTARY INFORMATION:

Background

On October 11, 1996, the Sustainable Fisheries Act (SFA) was signed into law (Pub. L. 104-297). The SFA amended, among other statutes, the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101 *et seq.*). Section 404(c) of the SFA amended the Atlantic Coastal Act by adding a new section 810 to require that, if no regulations have been issued under section 804(b) of the Atlantic Coastal Act by December 31, 1997, to implement a coastal fishery management plan for American lobster, the Secretary of Commerce (Secretary) shall issue interim regulations before March 1, 1998, that will prohibit any vessel that takes lobsters in the EEZ by a method other than pots or traps from landing lobsters (or any parts thereof) at any location within the United States in excess of 100 lobsters (or parts thereof) for each fishing trip of 24 hours, or less duration, 500 lobsters (or parts thereof) during any 5-day period, or 500 lobsters (or parts thereof) for a trip of 5 days or longer. Additionally, the Secretary, before January 1, 1998, shall monitor, on a timely basis, landings of American lobster, and, if the Secretary determines that catches from vessels that take