

Atlantic tuna fisheries to: Set Atlantic bluefin tuna (ABT) fishing category quotas for the 1995 fishing year; control fishing effort in the ABT General category; extend vessel and dealer permitting and reporting requirements to additional Atlantic tunas fisheries; adjust angler bag limits; and make amendments to clarify the regulations, facilitate enforcement and improve management efficiency.

These regulatory amendments address scientific monitoring and allocation issues in the ABT fisheries and simplify rules applicable to recreational fishing for tunas. The permitting and reporting provisions enhance data collection and enforcement of catch restrictions in the Atlantic tuna fisheries and enable the United States to collect fishery information needed by the International Commission for the Conservation of Atlantic Tunas (ICCAT) to produce stock assessments. These actions are necessary to begin implementation of the 1993 recommendation of ICCAT regarding fishing effort on yellowfin tuna, and to implement the 1994 recommendation of ICCAT regarding fishing quotas for ABT, as required by the Atlantic Tunas Convention Act (ATCA).

EFFECTIVE DATE: July 28, 1995.

ADDRESSES: Copies of the Final Environmental Impact Statement (FEIS) and final Regulatory Impact Review/Regulatory Flexibility Analysis (RIR/RFA), are available from Richard B. Stone, Chief, Highly Migratory Species Management Division (F/CM4), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this rule should be sent to Richard B. Stone and to the Office of Management and Budget (OMB), (0648-0040; 0648-0168; 0648-0202; 0648-0239; 0648-0247), Attention: NOAA Desk Officer, Washington, DC 20503.

Permit applications and reporting forms are available from NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799; or from NMFS, Southeast Regional Office, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432.

FOR FURTHER INFORMATION CONTACT: Christopher W. Rogers, 301-713-2347; or Kevin B. Foster, 508-281-9260.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under regulations at 50 CFR part 285 implementing the recommendations of ICCAT and issued under the authority of ATCA, 16 U.S.C. 971 *et seq.* ATCA authorizes the Secretary of Commerce

(Secretary) to issue such regulations as may be necessary to carry out the recommendations of ICCAT. The regulatory authority of the Secretary with respect to ICCAT recommendations has been delegated to the Assistant Administrator for Fisheries, NOAA (AA). The AA has determined that provisions of this final rule are necessary to implement the recommendations of ICCAT.

Purpose of Current Action

Background information about the need for revisions to Atlantic tuna fishery regulations was provided in the notice of proposed rulemaking (60 FR 25665, May 12, 1995) and is not repeated here.

Management Measures

These regulatory changes will improve NMFS' ability to implement the ICCAT recommendations and further the management objectives for the domestic tuna fisheries:

1. Quota Allocations

Initial ABT quotas by category for the 1995 fishing year are established as follows: General category—438 mt; Harpoon Boat category—47 mt; Purse Seine category—250 mt; Angling category—324 mt; Incidental category—125 mt; Inseason Reserve—145 mt. The quota for the Angling category is further subdivided as follows: Southern area school bluefin—70 mt; northern area school bluefin—80 mt; large school/small medium bluefin—170 mt; and large medium/giant bluefin (may not be sold)—4 mt. The quota for the Incidental category is further subdivided as follows: Southern area longline—100 mt; northern area longline—23 mt; and other gear—2 mt.

2. General Category Effort Controls

Monthly subquotas and effort controls are established for the ABT General category for the 1995 fishing year. The initial 438 mt quota for the General category is subdivided as follows: June/July—88 mt; August—175 mt; September—131 mt; and October—44 mt. The AA may designate a portion of the October quota for a particular geographical area.

This rule establishes regulatory authority for the AA to control effort in the General category fishery by designating "no-fishing" days. Prior to the start of each fishing season, scheduled "no-fishing" days will be published in the **Federal Register** for a comment period of 30 days. For calendar year 1995, this notice and comment procedure is waived because such effort controls were discussed at

public hearings on the proposed rule. Notice is hereby given that, for 1995, scheduled days on which no large medium or giant ABT may be retained by persons on board vessels permitted in the General category are: July 30, and 31; August 2, 6, 7, 10, 11, 12, 16, 20, 21, 23, 27, 28, and 30; and September 5, 6, 10, 11, 13, 17, 18, 20, 24, 25, and 27. A designated "no-fishing" day may be waived if the AA determines that such effort control is impeding attainment of the monthly quota. If applicable, a notice of such waiver will be filed with the Office of the Federal Register a minimum of 5 days in advance of the scheduled "no-fishing" day.

3. Permits and Reporting

Permits and reporting are required for all of the Atlantic tuna fisheries. Vessels taking any Atlantic tuna for recreational or commercial purposes and fish dealers purchasing any Atlantic tuna must be issued appropriate permits by the Director, Northeast Region, NMFS (Regional Director). Dealer permits for the Atlantic tuna fisheries must be obtained by November 15, 1995. Vessel permits for the Atlantic tuna fisheries must be obtained by November 15, 1995 for commercial vessels including charter and headboat vessels, and by January 1, 1996 for private recreational vessels. Atlantic tunas landed by vessels permitted in the Angling category must not be sold.

Only one category of Atlantic tunas permit may be issued for a vessel. Persons on board General category vessels may fish for non-commercial size class ABT or other species of Atlantic tunas, except when the catch limit for commercial size class ABT has been retained or possessed. Current vessel and dealer permittees in the ABT fishery may fish for, sell, or purchase other species of Atlantic tunas without need of an additional permit. Current vessel and dealer permittees in the Atlantic shark, and Atlantic swordfish fisheries may fish for, sell, or purchase all species of Atlantic tunas, except ABT, without need of an additional permit. Handgear fishermen who are operating solely in the exclusive economic zone (EEZ) surrounding Puerto Rico and the U.S. Virgin Islands and dealers of tuna taken by handgear from those waters are also exempt from permit requirements for the Atlantic tuna fisheries.

Permanent consolidation of permits and ABT allocations is authorized for owners of vessels permitted in the ABT Purse Seine category, however, vessel operators transferring permits may not fish with purse seines in any directed Atlantic tuna fishery.