

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* Threeridge, fat	* <i>Amblema neislerii</i> ...	* U.S.A. (FL and GA)	* NA	* E	* 633	* NA	* NA
*	*	*	*	*	*		*

Dated: January 23, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[I.D. 021998C]

North and South Atlantic Swordfish Fishery; Directed Fishery Closure

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

ACTION: Closure.

SUMMARY: NMFS has projected that the directed fishery quota for the second semiannual 1997 North and South Atlantic swordfish season (December 1, 1997, to May 31, 1998) will be reached on or before March 31 and April 15, 1998, respectively. Consequently, NMFS closes the directed fishery for the North Atlantic swordfish fishery effective March 31, 1998, and for the South Atlantic swordfish fishery effective April 15, 1998. The intent of this closure is to prevent overharvest of the quotas established by the International Commission for the Conservation of Atlantic Tunas (ICCAT) for the directed North and South Atlantic Swordfish Fishery.

DATES: The closure is effective at 6 p.m., local time, on March 31 through May 31, 1998, for the North Atlantic swordfish fishery, and at 6 p.m., local time, on April 15 through May 31, 1998, for the South Atlantic swordfish fishery.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson, 301-713-2347, or Buck Sutter, 813-570-5447.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish and its implementing regulations at 50 CFR part 630 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16

U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). Regulations issued under the authority of ATCA carry out the recommendations of ICCAT.

The regulations governing the Atlantic swordfish fisheries at § 630.24 provide for a specified annual quota to be landed by the directed fishery. The annual quota is divided into two semiannual quotas for each of the 6-month periods, June 1 through November 30, and December 1 through May 31. NMFS is required, under § 630.25(a)(1), to monitor the catch and landings statistics and, on the basis of these statistics, to project a date when the catch will equal the quota, and to announce the closure by publication in the **Federal Register**. ICCAT delineates Atlantic swordfish stocks north and south of 5° N. lat. On October 24, 1997 (62 FR 55357), consistent with ICCAT's recommendations, NMFS established a U.S. quota for the North Atlantic swordfish fishery of 2,464 metric tons dressed weight (mt dw), established a U.S. quota for the South Atlantic swordfish fishery of 188 mt dw, and implemented the same management measures for the South Atlantic swordfish fishery as were in place for the North Atlantic swordfish fishery (i.e., logbook reporting, permitting, minimum size, transfer-at-sea, etc.).

New ICCAT Compliance Measures

In 1996, ICCAT recommended compliance measures in which member nations could be subject to restrictive trade measures and reduced quotas equal to a minimum of 125 percent of the excess harvest if North Atlantic swordfish quotas are repeatedly exceeded. These measures were recommended to be extended to the South Atlantic by ICCAT in 1997.

Closure of the North Atlantic Swordfish Fishery

The 1997 quota for the North Atlantic swordfish fishery of 2,464 mt dw is divided between the directed fishery (2,164 mt dw) and the incidental fishery (300 mt dw). The annual quota for the directed fishery is subdivided into longline/harpoon and drift gillnet quotas, with allocations of 2,121.2 and 42.8 mt dw, respectively. A final rule

issued under the Endangered Species Act closed the drift gillnet sector of the swordfish fishery until August 1, 1998, to avoid jeopardizing the continued existence of the North Atlantic right whale (62 FR 63467, December 1, 1997). The longline/harpoon quota is further divided into two equal semiannual quotas (1,060.6 mt dw) for the periods June 1 through November 30, and December 1 through May 31. Based on actual landings for December 1997 (169.5 mt dw) and January 1998 (208 mt dw), and using the highest reported landings during the period between 1995 to 1997 for February (365.8 mt dw) and March (250.8 mt dw), this would give a total of 994.2 mt dw projected through the end of March, 1998, or 90.73 percent of the quota. Based on logbook and tally sheet data from previous years, it is expected that the second semiannual North Atlantic harvest quota will be reached in mid-April, 1998. However, NMFS must account for delayed reporting and unpredictable catch levels and fishing effort to reduce the risk of exceeding U.S. swordfish quotas, which could invoke ICCAT penalties. Due to late reporting, which may take up to 6 months to correct, an additional factor of 65 mt dw is added to this estimate, giving a total of 1,059.2, or 99.86 percent of the quota. Therefore, NMFS announces that the directed North Atlantic swordfish fishery will close at 6 p.m., local time, on March 31, 1998. All swordfish in excess of the incidental catch limit must be offloaded by the time of the closure.

Closure of the South Atlantic Swordfish Fishery

The 1997 quota for the South Atlantic swordfish fishery is allocated solely to the directed longline fishery quota and is divided into two equal semiannual quotas of 94 mt, one for the period June 1 through November 30, and the other for the period December 1 through May 31, with no incidental harvest allowed following a closure of the fishery. Landings of swordfish in the South Atlantic swordfish fishery in the second semiannual season totaled 20.12 mt dw as of January, 1998. Reporting of swordfish landings by U.S.-flagged vessels in Atlantic waters south of 5° N

lat. was not required until the 1997 fishing year; therefore, past fishing effort is difficult to estimate. However, limited logbook data from 1996 and 1997 indicate that a significant increase in landings may be expected during February and March. Accounting for delayed reporting (based on experience in closures of the North Atlantic swordfish fishery) and the anticipated levels of harvest due to the closure of the North Atlantic swordfish fishery and previous harvest levels, it is expected that the second semiannual South Atlantic harvest quota will be reached on or about April 15, 1998. The estimate is conservative to reduce the risk of exceeding U.S. swordfish quotas, which could invoke ICCAT penalties. Therefore, NMFS announces that the directed South Atlantic swordfish fishery will close at 6 p.m., local time, on April 15, 1998. All swordfish must be offloaded by the time of the closure.

Incidental Catch Limits

The annual quota for the North Atlantic incidental swordfish fishery is 300 mt dw. The incidental quota is needed to allow for incidental landings of swordfish with commercial fishing gears during the closure of the North Atlantic swordfish fishery. After the closure, only up to 15 swordfish can be possessed if taken incidentally when fishing with longline gear for other pelagic fish species, until the incidental quota is reached.

Delayed Offloading Pilot Program

On January 23, 1998, NMFS issued a letter to all permit holders and sent a notice via the Highly Migratory Species (HMS) fax network announcing a pilot program to allow for delayed offloading. Vessel owners who wish to participate in the NMFS delayed offloading pilot program must contact NMFS (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the directed fishery closure to obtain an exempted fishing permit (EFP). Vessels maintaining a Vessel Monitoring System (VMS) on board and complying with the terms of the EFP may offload swordfish at any time after the closure, provided they do not fish for any species during that time.

This closure announcement provides more than the minimum 14-day advance notice of closure required by regulation. To provide advance notice of the closure as early as possible, NMFS issued a notice to the industry on January 23, 1998, that, based on the landings at that time, a closure was anticipated about mid-March, 1998. This advance notice period will allow swordfish vessel owners to plan their fishing, offloading, and sale of

swordfish catch prior to the date of closure. It will also allow swordfish vessel owners to obtain a VMS and apply for an EFP to be eligible for delayed offloading.

All fishery management actions are announced by publication in the **Federal Register**. In addition, announcements are made on the HMS FAX Network, on the HMS Information Line (301-713-1279), and over NOAA Weather and Coast Guard radio channels.

Classification

This action is taken under 50 CFR 630.24 and 50 CFR 630.25(a) and is exempt from review under E.O. 12866.

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

Dated: March 10, 1998.

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 679

[Docket No. 971208297-8054-02; I.D. 031098A]

Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the first seasonal bycatch allowance of Pacific halibut apportioned to the deep-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 10, 1998, until 1200 hrs, A.l.t., April 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7447.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North

Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The prohibited species bycatch allowance of Pacific halibut for the GOA trawl deep-water species fishery, which is defined at § 679.21(d)(3)(iii)(B), was established by the Final 1998 Harvest Specifications of Groundfish for the GOA (published on March 12, 1998) for the first season, the period January 20, 1998, through March 31, 1998, as 100 mt.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the first seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: all rockfish of the genera *Sebastes* and *Sebastolobus*, deep water flatfish, Rex sole, arrowtooth flounder, and sablefish.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the first seasonal apportionment of the 1998 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA. A delay in the effective date is impracticable and contrary to the public interest. The first seasonal bycatch allowance of Pacific halibut apportioned to the deep-water species fishery in the GOA has been caught. Further delay would only result in overharvest which would disrupt the FMP's objective of apportioning Pacific halibut bycatch allowances throughout the year. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under E.O. 12866.

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