

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 971015246-7293-02; I.D. 010798C]

Fisheries of the Northeastern United States; Summer Flounder and Scup Fisheries; Adjustments to the 1998 Quotas; Commercial Summer Period Scup Quota Harvested for Massachusetts

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

ACTION: Commercial quota adjustment, notice of commercial quota harvest.

SUMMARY: NMFS issues this notification announcing preliminary adjustments to the 1998 summer flounder commercial state quotas and the 1998 scup Summer period state quotas. This action complies with regulations that implement the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP), which require that landings in excess of a state's annual summer flounder commercial quota and Summer period scup commercial quota be deducted from a state's respective quota the following year. The public is advised

that preliminary quota adjustments have been made and is informed of the revised quotas for the affected states.

DATES: January 16, 1998, through December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Summer Flounder

Regulations implementing summer flounder management measures are found at 50 CFR part 648, subparts A and G. The regulations require annual specification of a commercial quota that is apportioned among the Atlantic coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100. The final specifications for the 1998 summer flounder fishery, adopted to ensure achievement of a fishing mortality rate (F) of 0.24 for 1998, set a commercial quota equal to 11,105,636 lb (5.0 million kg) (62 FR 66304, December 18, 1997).

Section 648.100(d)(2) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of the state's quota must be deducted from that state's annual quota for the following year. NMFS published final specifications and noted that associated adjustments to states' 1998

quotas as a result of 1997 overages would be made. These data are presented as preliminary because some states remained open to 1997 summer flounder landings when these data were assembled by NMFS for the purposes of this notice. Since it is likely that additional data will be received from the states that would alter the figures, including late landings reported from either federally permitted dealers or state statistical agencies in a state that is currently closed to landings, an additional adjustment will be necessary.

The final quota figures reflect the approval of a commercial summer flounder quota transfer of 24,118 lb (10,940 kg) from New Jersey to Connecticut. The notification of approval of that transfer was filed with the **Federal Register** prior to the end of the 1997 quota year and was published on January 6, 1998 (63 FR 444).

Based on dealer reports and other available information, NMFS has determined that the States of Maine, Massachusetts, New York, Delaware, Maryland, and North Carolina exceeded their 1997 quotas. The remaining States of Rhode Island, Connecticut, New Jersey, and Virginia did not exceed their 1997 quotas. The final preliminary 1997 landings and resulting overages for all states are given in Table 1. The resulting adjusted 1998 commercial quota for each state is given in Table 2.

TABLE 1.—PRELIMINARY 1997 SUMMER FLOUNDER COMMERCIAL LANDINGS, AND RESULTING OVERAGES BY STATE, FOR LANDINGS REPORTED THROUGH DECEMBER 27, 1997

State	1997 Quota		Preliminary 1997 landings		1997 state overages	
	Lb	(Kg) ¹	Lb	(Kg)	Lb	(Kg)
ME	2,342	1,062	2,835	1,286	493	224
NH	51	23	.....	.....	.....	.....
MA	709,229	321,701	745,105	337,974	35,876	16,273
RI	1,596,443	724,134	1,584,641	718,781	.....	.....
CT	246,924	112,003	246,924	112,003	.....	.....
NY	754,343	342,164	814,027	369,236	59,684	27,072
NJ	1,323,474	600,318	1,316,837	597,307	.....	.....
DE	2(5,662)	(2,568)	4,393	1,993	10,055	4,561
MD	188,254	85,391	203,961	92,515	15,707	7,125
VA	2,294,793	1,040,901	2,253,809	1,022,311	.....	.....
NC	1,273,605	577,698	1,455,212	660,073	181,607	82,376
Total ³	8,383,796	3,802,826	8,627,744	3,913,479	303,422	137,630

¹ Kilograms, converted from pounds, may not necessarily add due to rounding.

² Parentheses indicate a negative number.

³ The total 1997 state overages reflect the sum of the individual state overages, and not the overage of the entire year's quota.

TABLE 2.—PRELIMINARY ADJUSTED FINAL 1998 SUMMER FLOUNDER QUOTAS

State	Final 1998 quota ¹		Preliminary adjusted 1998 quota	
	Lb	(Kg) ²	Lb	(Kg) ²
ME	5,284	2,397	4,791	2,173
NH	51	23	51	23

TABLE 2.—PRELIMINARY ADJUSTED FINAL 1998 SUMMER FLOUNDER QUOTAS—Continued

State	Final 1998 quota ¹		Preliminary adjusted 1998 quota	
	Lb	(Kg) ²	Lb	(Kg) ²
MA	757,841	343,751	721,965	327,478
RI	1,742,583	790,422	1,742,583	790,422
CT	250,791	113,757	250,791	113,757
NY	849,680	385,408	789,996	358,336
NJ	1,858,363	842,939	1,858,363	842,939
DE	³ (3,685)	(1,671)	(13,740)	(6,232)
MD	226,570	102,770	210,863	95,646
VA	2,368,569	1,074,365	2,368,569	1,074,365
NC	3,049,589	1,383,270	2,867,982	1,300,895
Total	11,105,636	5,037,432	10,802,214	4,899,802

¹ As published on December 18, 1997 (62 FR 66304).² Kilograms, converted from pounds, may not necessarily add due to rounding.³ Parentheses indicate a negative number.**Scup**

Regulations implementing scup management measures are found at 50 CFR part 648, subparts A and H. The regulations require annual specification of a commercial quota that is allocated into three periods: Winter I, Summer, and Winter II. During Winter I and Winter II periods, the commercial quota is distributed to the coastal states from Maine through North Carolina on a coastwide basis. During the Summer period, the commercial quota is apportioned among the Atlantic coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state during the Summer period is described in § 648.120. The final specifications for the 1998 scup fishery, adopted to ensure

achievement in 1998 of a target exploitation rate of 47 percent, the rate associate with $F=0.72$, set a commercial quota equal to 4,572,000 lb (2.07 million kg) and a Summer period allocation equal to 1,780,794 lb (0.81 million kg) (62 FR 66304, December 18, 1997).

Section 648.120(d)(4) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Section 648.120(d)(6) provides that any overages of the commercial quota landed in any state during the Summer period will be deducted from that state's Summer period quota for the following year. NMFS published final specifications and noted that associated adjustments to states' 1998 Summer period quotas as a result of 1997 overages would be made. If additional data are received from any

state that would alter the figures, including late landings reported from either federally permitted dealers or state statistical agencies, an additional adjustment will be necessary.

Based on dealer reports and on other available information, NMFS has determined that the Commonwealth of Massachusetts and the State of North Carolina have exceeded their 1997 Summer period quotas for scup. The remaining States of Maine, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia did not exceed their 1997 Summer period quotas. The final preliminary 1997 landings and resulting state overages are given in Table 3. The resulting adjusted 1998 commercial Summer period quota for each state is given in Table 4.

TABLE 3.—PRELIMINARY 1997 SUMMER PERIOD COMMERCIAL LANDINGS AND RESULTING OVERAGES BY STATE FOR SCUP

State	1997 summer period quota		Preliminary 1997 summer landings		1997 summer overage	
	Lb	(Kg) ¹	Lb	(Kg)	Lb	(Kg)
ME	3,048	1,383	.....	.....	.....	.....
NH .....	.....	.....	.....	.....	.....	.....
MA	362,029	164,214	1,428,183	647,813	1,066,154	483,599
RI	1,415,425	642,026	398,880	180,929	.....	.....
CT	79,431	36,029	40,858	18,533	.....	.....
NY	398,527	180,769	221,320	100,389	.....	.....
NJ	73,453	33,318	2,056	933	.....	.....
DE .....	.....	.....	.....	.....	.....	.....
MD	301	137	162	73	.....	.....
VA	4,157	1,886	148	67	.....	.....
NC	628	285	888	403	260	118
Total ²	2,336,999	1,060,045	2,092,495	949,140	1,066,414	483,717

¹ Kilograms, converted from pounds, may not necessarily add due to rounding.² The total 1997 state overages reflect the sum of the individual state overages, and not the overage of the entire period's quota.

TABLE 4.—PRELIMINARY ADJUSTED FINAL 1998 SUMMER PERIOD SCUP QUOTAS

State	Final 1998 summer quotas		Preliminary adjusted 1998 summer quotas	
	Lb	(Kg) ¹	Lb	(Kg)
ME	2,322	1,053	2,322	1,053
NH	1	.....	1	.....
MA	275,866	125,131	² (790,288)	(358,469)
RI	1,078,554	489,224	1,078,554	489,224
CT	60,526	27,454	60,526	27,454
NY	303,678	137,746	303,678	137,746
NJ	55,972	25,388	55,972	25,388
DE .....	.....	.....	.....	.....
MD	229	104	229	104
VA	3,167	1,437	3,167	1,437
NC	479	217	219	99
Total	1,780,794	807,755	714,380	324,037

¹ Kilograms, converted from pounds, may not necessarily add due to rounding.

² Parentheses indicate a negative number.

Section 648.121(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the Summer period state commercial quotas and determine the date when a state's commercial quota is harvested. NMFS is required to publish notification in the **Federal Register** advising a state and notifying vessel and dealer permit holders that, effective upon a specific date, a state's Summer period commercial quota has been harvested and that no Summer period commercial quota is available for landing scup for the remainder of the period.

Since this adjustment reduces the 1998 Massachusetts Summer period commercial quota allocation from 275,866 lb (125,131 kg) to – 790,288 lb (– 358,469 kg), this notification also serves to announce that the Summer period quota available to Massachusetts has been harvested and that no

commercial quota is available for landings during the 1998 Summer period.

The regulations at § 648.4(b) provide that Federal scup commercial permit holders agree as a condition of the permit not to land scup in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours May 1, 1998, until 2400 hours October 31, 1998, landings of scup in Massachusetts by vessels holding Federal commercial scup fisheries permits are prohibited, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Federally permitted dealers are also advised that they may not purchase scup from federally permitted scup vessels that land in Massachusetts for the Summer period, or until additional quota

becomes available through a transfer. If Massachusetts fails to obtain this quota transfer, it is probable that the scup fishery in the Commonwealth will remain closed for additional Summer periods beyond 1998. The fishery may remain closed until its allocated quota is sufficient to allow the fishery to reopen.

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: January 15, 1998.

Bruce C. Morehead,

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

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