

Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management 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. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

#### Quota Transfers

Under the implementing regulations at 50 CFR 635.27 (a)(8), NMFS has the authority to transfer quotas among categories, or, as appropriate, subcategories, of the fishery, after considering the following factors: (1) The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; (2) the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no allocation is made; (3) the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded; (5) the effects of the transfer on BFT rebuilding and overfishing; and (6) the effects of the transfer on accomplishing the objectives of the HMS FMP.

If it is determined, based on the factors listed here and the probability of exceeding the total quota, that vessels fishing under any category or subcategory quota are not likely to take that quota, NMFS may transfer inseason any portion of the remaining quota of that fishing category to any other fishing category or to the Reserve quota.

#### Quota Adjustments

Annual BFT quota specifications issued under § 635.27 provide for a quota of 666.7 mt of large medium and giant BFT to be harvested from the regulatory area by vessels fishing under the General category quota during the 2001 fishing year. The General category BFT quota is further subdivided into time period subquotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities. The October-December subquota was initially set at 65.7 mt for the 2001 fishing year, and is currently 338.9 mt, after the addition of approximately 113.2 mt of unharvested subquota from previous periods and a previous quota transfer of 160 mt (66 FR 53346, October 22, 2001).

As of October 26, 2001, General category landings against this adjusted October-December subquota have totaled approximately 402.1 mt, exceeding the available coastwide quota by 64.5 mt. An additional 10 mt has been set aside for the traditional fall New York Bight fishery.

After considering the factors for making transfers between categories, NMFS has determined that 40 mt of the remaining adjusted Longline South subcategory quota of approximately 116.6 mt should be transferred to the General category quota. While substantial quota remains in the Longline category, NMFS is in the process of developing proposed regulations to adjust the target catch requirements for pelagic longline vessels retaining bluefin tuna, and is therefore not transferring additional quota from the Longline category. NMFS has also determined that 50 mt of the remaining Angling school subcategory quota of approximately 118.7 mt (25 mt of the remaining Angling school north subcategory quota of approximately 74.7 mt, and 25 mt of the remaining Angling school south subcategory quota of approximately 59 mt) should be transferred to the General category. Finally, NMFS has determined to transfer 3 mt of the remaining Trap category quota of 3.9 mt into the General category quota. The adjusted subquota for the coastwide General category fishery for the October-December period is 431.9 mt. Landings of Trap category BFT have been nonexistent in recent years and this transfer should not adversely impact this category.

Once the adjusted General category subquota for the October-December period has been attained, the coastwide fishery will be close. Announcement of the closure will be filed with the Office of the Federal Register, stating the effective date of closure, and further communicated through the Highly Migratory Species Fax Network, the Atlantic Tunas Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of closure will be provided as far in advance as possible, fishermen are encouraged to call the Atlantic Tunas Information Line at (888) USA-TUNA or (978) 281-9305, to check the status of the fishery before leaving for a fishing trip.

#### Classification

This action is taken under 50 CFR 635.23 and 635.27, is consistent with the management measures contained in the HMS FMP, and is exempt from review under Executive Order 12866.

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

Dated: November 9, 2001.

**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. 010208032-1109-02; I.D. 110701E]

#### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Transfer

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

**ACTION:** Commercial quota transfer.

**SUMMARY:** NMFS announces that the Commonwealth of Virginia has transferred a total of 100,000 lb (45,372 kg) of commercial bluefish quota to the State of New York for 2001. NMFS has adjusted the quotas and announces the revised commercial quotas for Virginia and New York. This action is permitted under the regulations implementing the Fishery Management Plan for the Bluefish Fishery (FMP) and is intended to reduce discards and prevent negative economic impacts to the New York commercial bluefish fishery.

**DATES:** Effective November 15, 2001 through December 31, 2001.

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**SUPPLEMENTARY INFORMATION:** Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.160.

The initial total commercial quota for bluefish for the 2001 calendar year was set equal to 9,583,010 lb (4,348,008 kg) (66 FR 23625, May 9, 2001). The resulting quota for New York was 995,204 lb (451,544 kg), and for Virginia was 1,138,412 lb (516,521 kg). Effective August 2, 2001, (66 FR 41151) Virginia transferred 300,000 lb (136,116 kg) of its

quota to North Carolina, leaving 838,412 lb (380,405 kg) available to Virginia.

The FMP allows two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), to transfer or combine part or all of their annual commercial quota. The Regional Administrator must consider the criteria set forth in § 648.160(f)(1) in the evaluation of requests for quota transfers or combinations.

Virginia has agreed to transfer 100,000 lb (45,360 kg) of its 2001 commercial

quota to New York. The revised quotas for the calendar year 2001 are: Virginia, 738,412 lb (335,033 kg), and New York, 1,095,204 lb (496,784 kg). The Regional Administrator has determined that the criteria set forth in § 648.160(f)(1) have been met. This action does not alter any of the conclusions reached in the environmental assessment for the 2001 specifications for the Atlantic bluefish fishery. This is a routine administrative action that reallocates commercial quota within the scope of previously published environmental analyses.

#### Classification

This action is taken under 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: November 9, 2001.

#### Richard W. Surdi

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