

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 051104293 5344 02; I.D. 050906A]

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

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

ACTION: Temporary rule; inseason quota transfer.

SUMMARY: NMFS announces that the Commonwealth of Virginia is transferring 100,000 lb (45,359 kg) of commercial bluefish quota to the State of North Carolina from its 2006 quota. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

DATES: Effective May 10, 2006 through December 31, 2006, unless NMFS publishes a superseding document in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Management Specialist, (978) 281-9341, FAX (978) 281-9135.

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 Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.160.

Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine bluefish commercial quota under § 648.160(f). The Regional Administrator is required to 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 (45,359 kg) of its 2006 commercial quota to North Carolina to cover unexpectedly high landings in North Carolina. The Regional Administrator

has determined that the criteria set forth in § 648.160(f)(1) have been met. The revised quotas for calendar year 2006 are: North Carolina, 2,652,869 lb (1,203,321 kg); and Virginia, 845,915 lb (383,700 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: May 9, 2006.

Alan D. Risenhoover,
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. 051128313-6029-02; I.D. 050906C]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Adjustment for New York

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS announces an adjustment in the Atlantic bluefish commercial quota available to New York. This action complies with regulations implementing the Atlantic Bluefish Fishery Management Plan (FMP), which require that landings in excess of a state's commercial quota be deducted from that state's quota the following year. The public is advised that a quota adjustment has been made and is informed of the revised quota for New York.

DATES: This rule is effective May 15, 2006 through December 31, 2006.

FOR FURTHER INFORMATION CONTACT: Bonnie Van Pelt, Fishery Policy Analyst, (978) 281-9244.

SUPPLEMENTARY INFORMATION: Regulations implementing Atlantic

bluefish management measures are found at 50 CFR part 648, subpart J. An annual commercial quota is allocated to each of the Atlantic coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.160(e).

Section 648.160(e)(2) provides that all landings 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. The final specifications for the 2005 Atlantic bluefish fishery set the total adjusted coastwide commercial quota equal to 10,398,671 lb (4,717 mt) (70 FR 13402; March 21, 2005). New York's adjusted quota share was calculated to be 1,079,912 lb (489,840 kg).

Based on dealer reports and other information available as of May 1, 2006, NMFS determined that the State of New York landed 1,131,309 lb (513,153 kg) of Atlantic bluefish in 2005, thus exceeding its 2005 adjusted commercial quota by 51,397 lb (23,313 kg). Landings for other states were below their respective quotas.

On March 17, 2006, final specifications for the 2006 Atlantic bluefish commercial fishery became effective (71 FR 13776). The total adjusted commercial harvest was specified at 7,962,586 lb (3,612 mt). New York's portion of the commercial quota for 2006 totaled 826,923 lb (375,086 kg). Consistent with the regulations regarding the disposition of overages, New York's 2006 Atlantic bluefish commercial quota is hereby reduced by 51,397 lb (23,313 kg), from 826,923 lb (375,086 kg) to 775,526 lb (351,773 kg).

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: May 9, 2006.

Alan D. Risenhoover,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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