

Dated: July 26, 1990.
 Joe P. Clem,
 Acting Director, Office of Fisheries
 Conservation and Management, National
 Marine Fisheries Service.
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50 CFR Part 642

[Docket No. 900656-0196]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.
ACTION: Final rule.

SUMMARY: The Secretary of Commerce changes the total allowable catch (TAC), allocations, quotas, and bag limits for the Atlantic and Gulf of Mexico migratory groups of king and Spanish mackerel in accordance with the framework procedure of the Fishery Management Plan for the Coastal Migratory Pelagic Resources (FMP). This notice (1) for Atlantic migratory groups of king and Spanish mackerel, decreases the TAC and allocations; (2) for the Gulf migratory group of Spanish mackerel, decreases the bag limit in the exclusive economic zone (EEZ) off Texas; and (3) effective January 1, 1991, for Gulf and Atlantic migratory groups of Spanish mackerel, increases the bag limits in the EEZ off Florida. The intended effects are to protect the mackerels from overfishing and continue stock rebuilding programs while still allowing catches by important recreational and commercial fisheries dependent on these species.

EFFECTIVE DATE: August 1, 1990, except that revised § 642.28(a)(1)(iii)(B) and (a)(5)(ii) and new § 642.28(a)(1)(iii)(C) are effective August 20, 1990, and revised § 642.28(a)(1)(iii)(A) and (a)(1)(iv)(A) are effective January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles; 813-893-3722.

SUPPLEMENTARY INFORMATION: The mackerel fisheries are regulated under the FMP, as amended, which was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 642.

In accordance with the FMP and its implementing regulations, the Councils recommended and NOAA published a proposed rule containing changes in TACs, allocations, quotas, and bag limits for king and Spanish mackerel (55

FR 25986, June 26, 1990). That notice (1) described the framework procedures of the FMP through which the Councils recommended changes in TACs, allocations, quotas, and bag limits; (2) specified the recommended changes; and (3) described the need and rationale for the recommended changes. Those descriptions are not repeated here; the specifications implemented by this final rule are the same as those in the proposed rule. No comments were received on the proposed rule.

The Regional Director concurs that the Councils' recommendations are necessary to protect the stocks and prevent overfishing and that they are consistent with the goals and objectives of the FMP. In addition, they are consistent with the Magnuson Act and other applicable law. Accordingly, the Councils' recommended changes are implemented.

A final rule implementing Amendment 5 to the FMP was published on July 19, 1990 (55 FR 29370). In that rule, the commencement date of the fishing year for Gulf migratory group Spanish mackerel is changed from July 1 to April 1. Accordingly, the TAC and allocations contained in this rule for Gulf migratory group Spanish mackerel, as well as for the Atlantic migratory groups of king and Spanish mackerel, are effective for the fishing year that commenced on April 1, 1990. The TAC and allocations for the Gulf migratory group of king mackerel are effective for the fishing year that commenced on July 1, 1990.

The final rule implementing Amendment 5 also redefines "overfished" for a mackerel or cobia stock in terms of the relationship of the spawning stock biomass per recruit (SSBR) of that stock to a SSBR target level percentage (not less than 20 percent) recommended by the stock assessment group and approved by the Scientific and Statistical Committees of the Councils. In accordance with that procedure, the current SSBR target level percentages are 40 percent for Gulf and Atlantic migratory groups of king mackerel, 35 percent for Gulf and Atlantic migratory groups of Spanish mackerel, and 20 percent for cobia.

The rule implementing Amendment 5 redesignates the paragraphs in § 642.28. To avoid confusion and to simplify implementation of two changes to § 642.28 within a short period of time, this rule reflects the redesignations contained in the rule implementing Amendment 5, and changes in this rule to § 642.28 are effective concurrently with Amendment 5, except for the changes to § 642.28(a)(1)(iii)(A) and (a)(1)(iv)(A), which are effective January 1, 1991.

Other Matters

This action is authorized by 50 CFR 642.27, and complies with E.O. 12291.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 26, 1990.

Michael F. Tillman,
 Acting Assistant Administrator for Fisheries,
 National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 642 is amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

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

§ 642.21 [Amended]

2. Effective August 1, 1990, in § 642.21, the numbers are revised in the following places to read as follows:

Paragraph	Re- moved	Added
(a)(2), first sentence.....	3.34	3.08
(b)(2).....	5.66	5.22
(c)(2).....	3.24	3.14
(d)(2).....	2.76	1.86

3. Effective August 20, 1990, in § 642.28, as published in the *Federal Register* on July 19, 1990 (55 FR 29370), paragraphs (a)(1)(iii)(B) and (a)(3)(ii), are revised and a new paragraph (a)(1)(iii)(C) is added to read as follows:

§ 642.28 Bag and possession limits.

- (a) * * *
- (1) * * *
- (iii) * * *
- (B) Possessing ten Spanish mackerel per person per trip from the central area.
- (C) Possessing three Spanish mackerel per person per trip from the western area.

- * * * * *
- (3) * * *
- (ii) For the purposes of paragraph (a)(1)(iii) of this section,
- (A) The boundary between the eastern and central areas is a line extending directly south from the Alabama/Florida boundary (87°31'06"W. longitude) to the outer limit of the EEZ (identical to the boundary between the eastern and western zones in the commercial fishery); and
- (B) The boundary between the central and western areas is an extension of the boundary between Louisiana and Texas, namely, a line from point A (on the seaward limit of Texas' waters) at

29°32.1'N. latitude, 93°47.7'W. longitude
to point B (on the outer limit of the EEZ)
at 26°11.4'N. latitude, 92°53'W. longitude.
* * * * *

4. Effective January 1, 1991, in
§ 642.28, paragraphs (a)(1)(iii)(A) and
(a)(1)(iv)(A) are revised to read as
follows:

§ 642.28 Bag and possession limits.

- (a) * * *
- (1) * * *
- (iii) * * *
- (A) Possessing five Spanish mackerel
per person per trip from the eastern
area.
* * * * *

- (iv) * * *
- (A) Possessing five Spanish mackerel
per person per trip from the southern
area.
* * * * *

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