

as specified in § 622.39(b)(1)(vi) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in § 622.45(c)(1). However, when the recreational quota for red snapper has been reached and the bag and possession limit has been reduced to zero, such possession during a closed period is zero.

3. In § 622.39, paragraph (b)(1)(iii) is suspended and paragraph (b)(1)(vi) is added to read as follows:

§ 622.39 Bag and possession limits.

* * * *

(b) * * *

(1) * * *

(vi) Red snapper—4.

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4. In § 622.42, paragraph (a) is suspended and paragraph (g) is added to read as follows:

§ 622.42 Quotas.

* * * *

(g) *Gulf reef fish*—(1) *Commercial quotas*. The following quotas apply to persons who fish under commercial vessel permits for Gulf reef fish, as required under § 622.4(a)(2)(v).

(i) Red snapper—4.65 million lb (2.11 million kg), round weight, apportioned as follows:

(A) 3.06 million lb (1.39 million kg) available at noon on February 1 each year, subject to the closure provisions of §§ 622.34(m) and 622.43(a)(1)(i).

(B) The remainder is held in reserve.

(C) The Assistant Administrator may release all or any portion of the reserve specified in paragraph (g)(1)(i)(B) of this section effective September 1 by filing for publication a notification to that effect with the Office of the Federal Register. Determination of what portion, if any, of the reserve will be released will be based on the results of NMFS research regarding the effectiveness of BRDs in reducing shrimp trawl-induced mortality of juvenile red snapper. Release of reserve amounts will be determined as follows:

(1) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 50 percent or less, none of the reserve specified in paragraph (g)(1)(i)(B) of this section will be released.

(2) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 60 percent or greater, the entire reserve specified in paragraph (g)(1)(i)(B) of this section will be released, subject to the closure provisions of §§ 622.34(m) and 622.43(a)(1)(i).

(3) If BRDs reduce shrimp trawl-induced mortality of juvenile red

snapper by more than 50 percent but less than 60 percent, for each one percentage point increase in bycatch mortality reduction within the 50 to 60 percent range, an additional 0.159 million lb (0.072 million kg) of the reserve specified in paragraph (g)(1)(i)(B) of this section will be released, subject to the closure provisions of §§ 622.34(m) and 622.43(a)(1)(i). Fractional percentage point increases in bycatch mortality reduction will be prorated accordingly.

(ii) Deep-water groupers (i.e., yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, and speckled hind), and, after the quota for shallow-water grouper is reached, scamp, combined—1.60 million lb (0.73 million kg), round weight.

(iii) Shallow-water groupers (i.e., all groupers other than deep-water groupers, jewfish, and Nassau grouper), including scamp before the quota for shallow-water groupers is reached, combined—9.80 million lb (4.45 million kg), round weight.

(2) *Recreational quota for red snapper*. The following quota applies to persons who harvest red snapper other than under commercial vessel permits for Gulf reef fish and the commercial quota specified in paragraph (a)(1)(i) of this section—4.47 million lb (2.03 million kg), round weight, apportioned as follows:

(i) 2.94 million lb (1.33 million kg) available January 1 each year, subject to the closure provisions of § 622.43(a)(1)(ii).

(ii) The remainder is held in reserve.

(iii) The Assistant Administrator may release all or any portion of the reserve specified in paragraph (g)(2)(ii) of this section effective September 1 by filing a notification for publication to that effect with the Office of the Federal Register. Determination of what portion, if any, of the reserve will be released will be based on the results of NMFS research regarding the effectiveness of BRDs in reducing shrimp trawl-induced mortality of juvenile red snapper. Release of reserve amounts will be determined as follows:

(A) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 50 percent or less, none of the reserve specified in paragraph (g)(2)(ii) of this section will be released.

(B) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 60 percent or greater, the entire reserve specified in paragraph (g)(2)(ii) of this section will be released, subject to the closure provisions of § 622.43(a)(1)(ii).

(C) If BRDs reduce shrimp trawl-induced mortality of juvenile red

snapper by more than 50 percent but less than 60 percent, for each one percentage point increase in bycatch mortality reduction within the 50 to 60 percent range, an additional 0.153 million lb (0.069 million kg) of the reserve specified in paragraph (g)(2)(ii) of this section will be released, subject to the closure provisions of § 622.43(a)(1)(ii). Fractional percentage point increases in bycatch mortality reduction will be prorated accordingly. [FR Doc. 98-9766 Filed 4-9-98; 11:41 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

I.D. 040998A

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component

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

ACTION: Notice of closure.

SUMMARY: NMFS closes the commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has projected that the initial portion of the annual commercial quota for red snapper will be reached on April 12, 1998. This closure is necessary to protect the red snapper resource.

DATES: Closure is effective 12:01 a.m., local time, April 13, 1998, until noon, local time, on September 1, 1998.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622. Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 4.65 million lb (2.11 million kg) for the current fishing year, January 1 through December 31, 1998. Those regulations split the red snapper commercial fishing season into two time periods, the first commencing at noon on February 1 with two-thirds of the annual quota (3.06

million lb (1.39 million kg)) available, and the second commencing at noon on September 1 with the remainder of the annual quota available. During the commercial season, the red snapper commercial fishery opens at noon on the first of each month and closes at noon on the 15th of each month, until the applicable commercial quotas are reached.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by publishing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has projected that the available commercial quota of 3.06 million lb (1.39 million kg) for red snapper will be reached on April 12, 1998. Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper is closed effective 12:01

a.m., local time, April 13, 1998. The operator of a vessel with a valid reef fish permit having red snapper aboard must land and sell such red snapper prior to 12:01 a.m., local time, April 13, 1998. The commercial red snapper fishery may reopen at noon on September 1, 1998, if the results of NMFS' research on the effectiveness of bycatch reduction devices in shrimp trawls support a reopening of the commercial red snapper fishery at that time.

During the closure, the bag and possession limits specified in 50 CFR 622.39(b) apply to all harvest or possession of red snapper in or from the EEZ in the Gulf of Mexico, and the sale or purchase of red snapper taken from the EEZ is prohibited. In addition, the bag and possession limits for red snapper apply on board a vessel for which a commercial permit for Gulf reef fish has been issued, without regard to where such red snapper were harvested.

However, the bag and possession limits for red snapper apply only when the recreational quota for red snapper has not been reached and the bag and possession limit has not been reduced to zero. The prohibition on sale or purchase does not apply to sale or purchase of red snapper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, April 13, 1998, and were held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 622.43(a) and is exempt from review under E.O. 12866.

Dated: April 9, 1998.

Gary C. Matlock,

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

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