

(5) If requested, NMFS may authorize the use of pingers with specifications or pinger configurations differing from those set forth in paragraphs (c)(1) and (c)(3) of this section for limited, experimental purposes within a single fishing season.

(d) *Skipper education workshops.* After notification from NMFS, vessel operators must attend a skipper education workshop before commencing fishing each fishing season. For the 1997/1998 fishing season, all vessel operators must have attended one skipper education workshop by October 30, 1997. NMFS may waive the requirement to attend these workshops by notice to all vessel operators.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 961227373-6373-01; I.D. 092597A]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces further adjustments to the Pacific Coast groundfish limited entry fisheries for the *Sebastes* complex and its components canary and yellowtail rockfish, the Dover sole-thornyhead-trawl sablefish (DTS) complex and its components Dover sole and trawl-caught sablefish, and announces the final 1997 cumulative trip limit period for trawl vessels in the "B" platoon. NMFS also announces an increase to the monthly cumulative limit for the open access nontrawl sablefish fishery north of 36° N. lat. (A similar change for the limited entry nontrawl sablefish fishery north of 36° N. lat. is included in a separate **Federal Register** action that announces the duration and limit of the limited entry sablefish mop-up fishery.) These restrictions are intended to keep landings as close as possible to the 1997 harvest guidelines and allocations for these species, and to provide management flexibility during the final months of the year.

DATES: Effective at 0001 hours local time (l.t.) October 1, 1997; except for the trip limit for trawl vessels operating in the B platoon, which will become effective at 0001 hours l.t. October 16, 1997. These changes remain in effect, unless modified, superseded or rescinded, until the effective date of the 1998 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted through October 20, 1997.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140 or Rodney McInnis at 562-980-4040.
SUPPLEMENTARY INFORMATION: The following changes to current management measures are based on the best available information, and were recommended by the Pacific Fishery Management Council (Council), in consultation with the states of Washington, Oregon, and California, at its September 9-12, 1997, meeting in Portland, OR.

The Sebastes Complex. The *Sebastes* complex consists of all rockfish managed by the FMP except Pacific ocean perch (POP), widow rockfish, shortbelly rockfish, and thornyheads. The limited entry fishery for the *Sebastes* complex currently is managed under a 2-month cumulative trip limit of 30,000 lb (13,608 kg) north of Cape Mendocino (40°30' N. lat.) and 150,000 lb (68,039 kg) south of Cape Mendocino. Within these 2-month cumulative limits for the *Sebastes* complex, no more than 6,000 lb (2,722 kg) may be yellowtail rockfish north of Cape Mendocino, no more than 10,000 lb (4,534 kg) may be bocaccio south of Cape Mendocino, and no more than 14,000 lb (6,350 kg) may be canary rockfish coastwide.

The best available information at the September 1997 Council meeting indicated that both yellowtail rockfish and canary rockfish would be 18-19 percent below their respective harvest guidelines at the end of the year. Therefore, the Council recommended increasing the trip limits for these species, and converting those limits from 2-month to 1-month limits on October 1, 1997, so that the industry could receive immediate benefit from the higher limits. The new 1-month

cumulative trip limits for the *Sebastes* complex are: 20,000 lb (9,072 kg) north of Cape Mendocino and 75,000 lb (33,975 kg) south of Cape Mendocino. Within these 1-month cumulative limits for the *Sebastes* complex, no more than 5,000 lb (2,268 kg) may be yellowtail rockfish north of Cape Mendocino, no more than 5,000 lb (2,268 kg) may be bocaccio south of Cape Mendocino, and no more than 10,000 lb (4,534 kg) may be canary rockfish coastwide.

As these changes are implemented in the middle of a 2-month cumulative trip limit period (September-October 1997), both the 2-month cumulative trip limits and the 60 percent monthly limits for the *Sebastes* complex and its components become obsolete after October 1. POP and widow rockfish are the only two species that remain under 2-month cumulative limits. (The DTS complex was converted to monthly limits on September 1, 1997 (62 FR 36228, July 7, 1997).)

Dover Sole, Thornyheads, and Trawl-Caught Sablefish (the DTS Complex). The limited entry fishery for the DTS complex and its components currently is managed under a 1-month cumulative trip limit of 28,500 lb (12,927 kg) north of Cape Mendocino and 50,000 lb (22,680 kg) south of Cape Mendocino. Within these 1-month cumulative limits, no more than 15,000 lb (6,804 kg) may be Dover sole north of Cape Mendocino, no more than 6,000 lb (2,722 kg) may be sablefish coastwide, and no more than 7,500 lb (3,402 kg) may be thornyheads coastwide. No more than 1,500 lb (680 kg) of the thornyheads may be shortspine thornyheads.

The best available information at the September 1997 Council meeting indicated that the harvest guidelines for Dover sole would be reached before the end of the year, and exceeded by 19 percent in the Columbia area and 7 percent coastwide if the rate of landings is not slowed. Landings of trawl-caught sablefish also were projected to exceed the limited entry trawl allocation by 9 percent by the end of the year.

Landings of both species of thornyheads are projected to be lower than their respective harvest guidelines. The two thornyhead species are often caught together. Landings of longspine thornyheads are projected to be 28 percent below its harvest guideline by the end of the year; but, trip limits for this species could not be increased without increasing the catch of shortspine thornyheads, which are expected to be 7 percent below its 1,380-mt harvest guideline but well above the 1,000-mt acceptable biological catch for this species. Because

the harvest guideline for shortspine thornyheads is close to its overfishing level, the Council did not recommend increasing the trip limits for either species of thornyheads.

Earlier in the year, the Council and NMFS notified the industry that the DTS fishery could be closed for several months in 1997. Some members of the industry prefer higher initial trip limits with closures, and others prefer reduced limits and a longer fishery. Closing the DTS fishery in November and December was considered by the Council at its September meeting. After hearing considerable testimony opposing such closures, the Council recommended drastically reduced trip limits to be effective on October 1, but acknowledged the fishery still could close in December, after the Council considers new landings projections at its November 1997 meeting. The new trip limits, which take effect October 1, are intended to curtail most target fishing on sablefish coastwide and on Dover sole in the Columbia area. However, they also may result in discards if the industry targets on these species or is unable to avoid them while fishing for Dover sole south of Cape Mendocino or for thornyheads coastwide. The Council also recommended that a 30,000-lb (13,608-kg) monthly cumulative limit be established for Dover sole south of Cape Mendocino. Previously, Dover sole could comprise as much as 36,500 lb (16,556 kg) of the DTS limit south of Cape Mendocino, the amount left over after subtracting the amounts of sablefish and thornyheads that were taken. The overall limits for the DTS complex, which are the sum of the limits of its components, are changed to reflect the changes to Dover sole and sablefish. These changes are intended to keep landings of the DTS complex and its components within the 1997 harvest guidelines and allocations without increasing discards.

The new limits for the DTS complex are 11,000 lb (4,990 kg) north of Cape Mendocino, and 39,500 lb (17,917 kg) south of Cape Mendocino. Within these limits, no more than 1,500 lb (680 kg) may be Dover sole north of Cape Mendocino and 30,000 lb (13,608 kg) south of Cape Mendocino; no more than 2,000 lb (907 kg) coastwide may be trawl-caught sablefish; and no more than 7,500 lb (3,402 kg) coastwide may be thornyheads. No more than 1,500 lb (680 kg) of the thornyheads may be shortspine thornyheads.

"B" Platoon. NMFS also announces the last cumulative trip limit period in 1997 for the "B" platoon, those limited entry trawl vessels with a letter

authorizing them to take their cumulative trip limits 2 weeks out of phase with the rest of the fleet. For vessels in the "B" platoon: the final 2-month cumulative trip limits for POP and widow rockfish apply to the 6-week period from November 16, 1997 through December 31, 1997 and there is no 60% monthly limit for this period; and the equivalent of two 1-month cumulative trip limits for the *Sebastes* complex and its components, and for the DTS complex and its components, may be landed during the 6-week period from November 16, 1997 through December 31, 1997.

Open Access Sablefish. Both the open access and limited entry sablefish fisheries north of 36°00' N. lat. are currently subject to a 300-lb (136 kg) daily trip limit, not to exceed 600 lb (272 kg) cumulative per month. At its September 1997 meeting, the Council was advised that landings in the open access sablefish fishery north of 36°00' N. lat. were lower than expected and could be increased. However, finding a method for doing so without attracting effort from the limited entry daily trip limit fishery was problematic. To avoid effort shifts, the Council recommended increasing the monthly cumulative limit for the open access fishery to 1,500 lb (680 kg) on October 1, during the limited entry mop-up fishery. For the same reason, the Council also recommended increasing the cumulative monthly limit on the daily trip limit portion of the limited entry fishery to 1,500 lb (680 kg) after the end of the mop-up season on October 15, 1997. (This change for the limited entry fishery is being announced in a separate **Federal Register** action, at the same time that the dates and trip limit for the limited entry mop-up fishery are announced.) These changes are intended to keep sablefish landings from the open access and limited entry daily trip limit fisheries within the levels intended to be taken by these two fisheries for the entire year.

NMFS Action

For the reasons stated above, NMFS concurs with the Council's recommendations and makes the following changes to the 1997 annual management measures (62 FR 700, January 6, 1997 as modified).

1. Paragraph A.(1)(c)(iii)(C) of section IV. is revised to read as follows:

A. General Definitions and Provisions

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(1) * * *

(c) * * *

(iii) * * *

(C) Special provisions will be made for "B" platoon vessels later in the year

so that the amount of fish made available in 1997 to both "A" and "B" vessels is the same. (For example, a vessel in the "B" platoon will have the same cumulative trip limit for the final period as a vessel in the "A" platoon, but the final period may be 2 weeks shorter so that both fishing periods end on the same date.) For trawl vessels in the "B" platoon, the 6-week period from November 16–December 31, 1997 replaces the last 2 months of the year. Therefore, one 2-month cumulative trip limit (POP, widow rockfish), and two 1-month cumulative trip limits (the *Sebastes* complex and its components, the DTS complex and its components) will apply to that 6-week period. Both 1-month cumulative trip limits for a species (or species complex) may be combined and landed at any time during the 6-week period.

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2. Effective October 1, 1997 (October 16, 1997 for the "B" platoon), for yellowtail rockfish, canary rockfish, and the *Sebastes* complex, paragraphs C.(2)(a) and C.(3) of section IV. are revised, to read as follows:

C. *Sebastes* Complex (including Bocaccio, Yellowtail, and Canary Rockfish)

* * * * *

(2) *Limited entry fishery.* (a) *Cumulative trip limits.* (i) *North of Cape Mendocino.* The cumulative trip limit for the *Sebastes* complex taken and retained north of Cape Mendocino is 20,000 lb (9,072 kg) per vessel per 1-month period. Within this cumulative trip limit for the *Sebastes* complex, no more than 5,000 lb (2,268 kg) may be yellowtail rockfish taken and retained north of Cape Mendocino, and no more than 10,000 lb (4,534 kg) may be canary rockfish.

(ii) *South of Cape Mendocino.* The cumulative trip limit for the *Sebastes* complex taken and retained south of Cape Mendocino is 75,000 lb (33,975 kg) per vessel per 1-month period. Within this cumulative trip limit for the *Sebastes* complex, no more than 5,000 lb (2,268 kg) may be bocaccio taken and retained south of Cape Mendocino, and no more than 10,000 lb (4,534 kg) may be canary rockfish.

(iii) *Clarification.* The cumulative monthly trip limits for the *Sebastes* complex and its components are the maximum amount that may be taken and retained, possessed, or landed coastwide in a calendar month. A vessel is not entitled to double the cumulative trip limit if it operates both north and south of Cape Mendocino in a calendar

month. [xx same as added for DTS sept1]

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(3) *Open access fishery.* See paragraph IV.I.

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3. Effective October 1, 1997 (October 16, 1997 for the "B" platoon), for the DTS complex, paragraph E.(2)(b) (i) and (ii) and E. (3) of section IV. are revised, to read as follows:

E. *Sablefish and the DTS Complex (Dover Sole, Thornyheads, and Trawl-Caught Sablefish)*

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(2) *Limited entry fishery.* * * *

(b) *Limited entry trip and size limits for the DTS complex.*

(i) *North of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained north of Cape Mendocino is 11,000 lb (4,990 kg) per vessel per 1-month period. Within this cumulative trip limit, no more than 2,000 lb (907 kg) may be sablefish, no more than 1,500 lb (680 kg) may be Dover sole, and no more than 7,500 lb (3,402 kg) may be thornyheads. No more than 1,500 lb (680 kg) of the thornyheads may be shortspine thornyheads.

(ii) *South of Cape Mendocino.* The cumulative trip limit for the DTS complex taken and retained south of Cape Mendocino is 39,500 lb (17,917 kg)

per vessel per 1-month period. Within this cumulative trip limit, no more than 2,000 lb (907 kg) may be sablefish, no more than 30,000 lb (13,608 kg) may be Dover sole, and no more than 7,500 lb (3,402 kg) may be thornyheads. No more than 1,500 lb (680 kg) of the thornyheads may be shortspine thornyheads.

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(3) *Open access fishery.* See paragraph IV.I.

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4. Effective October 1, 1997 for sablefish in the open access fishery, paragraph I.(2)(a) of section IV. is revised, to read as follows:

1. *Trip Limits in the Open Access Fishery* * * *

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(2) *Sablefish.* (a) *North of 36°00' N. lat.* The cumulative trip limit for sablefish taken and retained north of 36°00' N. lat. is 1,500 lb (680 kg) per month. The daily trip limit for sablefish taken and retained north of 36°00' N. lat., which counts toward the cumulative limit, is 300 lb (136 kg). The 1,500-lb (680-kg) cumulative monthly limit does not apply to exempted trawl gear (used to fish for shrimp, prawn, sea cucumber, and California halibut) in the open access fishery.

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Classification

These actions are authorized by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan, which governs the groundfish fishery off Washington, Oregon, and California. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see ADDRESSES) during business hours. Because of the need for immediate action to slow the rate of harvest of the species discussed above, and because the public had an opportunity to comment on the action at the September 1997 Council meeting, NMFS has determined that good cause exists for this document to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. These actions are taken under the authority of 50 CFR 660.323(b)(1), and are exempt from review under E.O. 12866.

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

Dated: September 30, 1997.

Bruce C. Morehead,

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