

National Environmental Policy Act. There is no requirement for such an evaluation where Congress has eliminated the agency's discretion by precluding any action other than the one announced in this document.

### C. Impacts on Small Entities

We have not conducted an evaluation of this action pursuant to the Regulatory Flexibility Act. The agency notes that this final rule, which was not preceded by a Notice of Proposed Rulemaking, is not a "rule" as defined by the Regulatory Flexibility Act and is, therefore, not subject to its provisions. As Congress has eliminated the agency's discretion by precluding any action other than the one taken in this document, we would not be able to take any action in the event such an analysis supported setting the light truck fuel economy at a different level. Past evaluations indicate, however, that few, if any, light truck manufacturers would have been classified as a "small business" under the Regulatory Flexibility Act.

The Regulatory Flexibility Act of 1980 (Public Law 96-354) requires each agency to evaluate the potential effects of a final rule on small businesses. Establishment of a fuel economy standard for light trucks affects motor vehicle manufacturers, few of which are small entities. The Small Business Administration (SBA) has set size standards for determining if a business within a specific industrial classification is a small business. The Standard Industrial Classification code used by the SBA for Motor Vehicles and Passenger Car Bodies (3711) defines a small manufacturer as one having 1,000 employees or fewer.

Very few single stage manufacturers of motor vehicles within the United States have 1,000 or fewer employees. Those that do are not likely to have sufficient resources to design, develop, produce and market a light truck. For this reason, we certify that this final rule would not have a significant economic impact on a substantial number of small entities.

### D. Executive Order 12612 (Federalism)

We have analyzed this final rule in accordance with the principles and criteria contained in E.O. 12612, and have determined that this final rule does not have significant Federalism implications to warrant the preparation of a Federalism Assessment. As a historical matter, prior light truck standards have not had sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

### E. The Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually.

The agency notes that Section 322 of the FY 1999 DOT Appropriations Act precludes the agency from the expenditure of any funds to prepare, propose or promulgate any fuel economy standard that differs from those currently in effect. This directive forbids NHTSA from studying any alternative fuel economy standards other than those presently in force. The agency cannot consider any other alternative standards that may result in lower costs, lesser burdens, or more cost-effectiveness for state, local or tribal governments or the private sector. Furthermore, as we are precluded from expending any funds to prepare an alternative fuel economy standard, it cannot embark on any studies of such alternatives. We have therefore not prepared a written assessment of this final rule for the purposes of the Unfunded Mandates Act.

### F. Paperwork Reduction Act

There are no information collection requirements in this final rule.

### G. Department of Energy Review

In accordance with 49 U.S.C. 32902(j), We submitted this final rule to the Department of Energy for review. That Department did not make any comments that we have not responded to.

### V. Conclusion

Based on the foregoing, we are establishing a combined average fuel economy standard for non-passenger automobiles (light trucks) for MY 2001 at 20.7 mpg.

### List of Subjects in 49 CFR Part 533

Energy conservation, Fuel economy, Motor vehicles.

### PART 533—[AMENDED]

In consideration of the foregoing, 49 CFR Part 533 is amended as follows:

1. The authority citation for part 533 continues to read as follows:

**Authority:** 49 U.S.C. 32902; delegation of authority at 49 CFR 1.50.

2. § 533.5 is amended by revising Table IV in paragraph (a) and by adding paragraph (f) to read as follows:

### § 533.5 Requirements.

(a) \* \* \*

TABLE IV

| Model year | Standard |
|------------|----------|
| 1996 ..... | 20.7     |
| 1997 ..... | 20.7     |
| 1998 ..... | 20.7     |
| 1999 ..... | 20.7     |
| 2000 ..... | 20.7     |
| 2001 ..... | 20.7     |

\* \* \* \* \*

(f) For model year 1996 and thereafter, each manufacturer shall combine its captive imports with its other light trucks and comply with the average fuel economy standard in paragraph (a) of this section.

Issued on: April 1, 1999.

**Ricardo Martinez,**  
Administrator.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Parts 600 and 660

[Docket No. 981231333-8333-01; I.D. 032599A]

### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces changes to the restrictions to the Pacific Coast groundfish limited entry and open access fisheries to clarify landings restrictions north and south of Cape Mendocino, California; in the limited entry fisheries to clarify the canary rockfish cumulative landings limit south of Cape Mendocino; in the open access fisheries, to revise trip limits for *Sebastes* complex species, including yellowtail rockfish, canary rockfish, black rockfish, blue rockfish; revises the trip limits in the pink shrimp exempted trawl open access fishery for overall groundfish, Dover sole, whiting, and sablefish landings; and provides three technical corrections to the annual specifications and management measures. These restrictions are

intended to clarify some of the restrictions within the 1999 annual management measures and to extend the fisheries as long as possible during the year while keeping landings within the 1999 optimum yields (OYs) and allocations for these species.

**DATES:** Effective 0001 hours local time (l.t.) April 1, 1999. For vessels operating in the B platoon, effective from 0001 hours (l.t.) April 16, 1999. These changes are in effect, unless modified, superseded or rescinded, until the effective date of the 2000 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted through April 22, 1999.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or William Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Katherine King or Yvonne deReynier, Northwest Region, NMFS, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The following changes to current management measures (published January 8, 1999 at 64 FR 1316) were recommended by the Pacific Fishery Management Council (Council), in consultation with the States of Washington, Oregon, and California, at its March 9 through 12, 1999, meeting in Portland, OR.

#### **Clarification to the Limited Entry Limit for Canary Rockfish Landed South of Cape Mendocino**

For the 1999 annual specifications and management measures, the Council recommended and NMFS adopted limited entry 2-month cumulative limits for the periods beginning April 1, 1999, of 9,000 lb (4,082 kg) for canary rockfish coastwide, and 6,500 lb (2,948 kg) for *Sebastes* species south of Cape Mendocino. Canary rockfish is managed within the *Sebastes* complex and limited by the *Sebastes* complex trip limit, but neither the Council nor NMFS noticed that the coastwide canary rockfish limit for the 2-month periods beginning April 1 exceeded the overall *Sebastes* complex limit for those same 2-month periods in the southern area. The Council recommended at its March 1999 meeting that NMFS correct this discrepancy in time for the beginning of the April 1 through May 31 2-month

cumulative limit period. The Council recommended that the cumulative limit for canary rockfish south of Cape Mendocino within a 2-month cumulative limit period not exceed the *Sebastes* complex south of Cape Mendocino cumulative limit for that same period. Consequently, the 2-month cumulative trip limit for canary rockfish south of Cape Mendocino is reduced to 6,500 lb (2,948 kg).

#### **Cape Mendocino Management Line for *Sebastes* Complex Species**

Chilipepper rockfish and splitnose rockfish are separate from the *Sebastes* complex south of Cape Mendocino, and are managed by cumulative limits that do not count toward the *Sebastes* complex limits south of Cape Mendocino. North of Cape Mendocino, chilipepper rockfish and splitnose rockfish are part of the *Sebastes* complex. For the first cumulative limit period of 1999, January 1 through March 31, the overall *Sebastes* complex limit north of Cape Mendocino was 24,000 lb (10,866 kg), the overall *Sebastes* complex limit south of Cape Mendocino was 13,000 lb (5,897 kg), the chilipepper rockfish limit south of Cape Mendocino was 45,000 lb (20,412 kg), and the splitnose rockfish limit south of Cape Mendocino was 32,000 lb (14,515 kg).

Vessels targeting Pacific Coast groundfish generally are not restricted to fishing in particular areas. There are, however, restrictions for vessels that operate in two different management areas, with different cumulative trip limits, but within a single cumulative limit period. The 1999 annual specifications and management measures (64 FR 1316, January 8, 1999) deal with this issue at paragraph IV.A.(12), "Operating in areas with different trip limits" with "cross-over" provisions at sub-paragraphs (a) and (b):

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any species of groundfish in an area where a more restrictive trip limit applies, before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a species (or species complex) in an area where a higher trip limit (or no trip limit) applies, and takes and retains, possesses or lands the same species (or species complex) in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit for that trip limit period.

After the 1999 specifications and management measures went into effect,

NMFS began to receive telephone calls from fishing vessel owners and operators who were fishing near the Cape Mendocino management line, wondering how to apply the "cross-over" provisions to fishing for *Sebastes* complex species. With the higher overall *Sebastes* complex limit north of Cape Mendocino and the large chilipepper and splitnose rockfish limits south of Cape Mendocino, fishers wanted to know how they could maximize their catch without exceeding landings limits. It became apparent that vessels could take the larger *Sebastes* complex limit north of Cape Mendocino, then move south of Cape Mendocino and catch chilipepper rockfish and/or splitnose rockfish if the bycatch of *Sebastes* were discarded.

After much consideration, NMFS determined that the "cross-over" provisions in the 1999 annual specifications and management measures were not specific enough to deal with this particular problem, and asked the Council for clarification at its March 1999 meeting.

At the March 1999 meeting, the Council considered a variety of possible interpretations of how to apply the "cross-over" provisions to the different *Sebastes* complex, chilipepper rockfish, and splitnose rockfish limits. The Council primarily wanted to clarify these provisions in a way that would not encourage discards. The Council did not want vessels to first target the higher *Sebastes* complex limit north of Cape Mendocino and then to move south to take chilipepper rockfish and splitnose rockfish and discard *Sebastes* complex species south of Cape Mendocino. Chilipepper rockfish and splitnose rockfish are often caught in association with other *Sebastes* complex species, and if vessels are targeting chilipepper and splitnose without also being allowed to retain *Sebastes* complex species, those *Sebastes* complex species would have to be discarded.

To resolve this issue, the Council recommended revising the 1999 "cross-over" provisions to deal specifically with *Sebastes* complex species so that if a vessel takes and retains either chilipepper rockfish and/or splitnose rockfish south of Cape Mendocino, that vessel would be subject to the south of Cape Mendocino *Sebastes* complex limit for the remainder of the cumulative limit period, no matter where it takes and retains, possesses or lands *Sebastes* complex species.

#### **Increases to Open Access Monthly Limits for *Sebastes* Complex Species**

Beginning in 1999, *Sebastes* complex limits for the open access fishery were

unlinked from the limited entry fishery so that open access groundfish landings might be better spread throughout the year. At its November 1998 meeting, the Council had recommended an open access cumulative monthly limit for *Sebastes* complex species north of Cape Mendocino of 3,600 lb (1,633 kg), of which no more than 400 lb (181 kg) per month could be species other than yellowtail or canary rockfish. The Council also recommended that within the *Sebastes* complex limit for north of Cape Mendocino, the monthly cumulative limit for yellowtail rockfish would be 2,600 lb (1,179 kg), and the monthly cumulative limit for canary rockfish would be 1,000 lb (454 kg). After the November Council meeting, an error was discovered in the Pacific Fisheries Information Network (PacFIN) data system, which had wrongly attributed some past rockfish landings to the open access fishery north of Cape Mendocino. As a result of this error, the Council had made its recommendation for the 1999 trip limit based on data that had overestimated landings projections for the open access fishery. The 400 lb (181 kg) limit for species other than yellowtail and canary rockfish within the *Sebastes* complex limit appeared unnecessarily restrictive and burdensome in light of the post-meeting information. For these reasons, NMFS disapproved the 400 lb (181 kg) trip limit and asked the Council to address open access limits north of Cape Mendocino at its March 1999 meeting. NMFS did approve and implement the Council's recommendation for an overall *Sebastes* cumulative trip limit of 3,600 lb (1,633 kg) per month, with the sublimits of 2,600 lb (1,179 kg) of yellowtail rockfish and 1,000 lb (454 kg) of canary rockfish.

At its March 1999 meeting, following corrections of open access landings information, the Council reconsidered open access *Sebastes* complex limits. The Council's Groundfish Management Team (GMT) compared past harvest rates with 1999 allocations for a variety of species and advised the Council that the open access trip limits for *Sebastes* complex species and yellowtail rockfish north of Cape Mendocino and for canary rockfish coastwide would not allow attainment of the open access allocations for these species. For this reason, the Council recommended at its March 1999 meeting to revise the open access cumulative landings limits for *Sebastes* complex species north of Cape Mendocino and for canary rockfish coastwide to an overall *Sebastes* complex limit of 12,000 lb (5,443 kg) per month north of Cape Mendocino and an

overall *Sebastes* complex limit of 2,000 lb (907 kg) south of Cape Mendocino, within which: No more than 6,500 lb (2,948 kg) per month may be yellowtail rockfish north of Cape Mendocino; no more than 2,000 lb (907 kg) per month may be canary rockfish coastwide; no more than 3,500 lb (1,588 kg) per month may be black rockfish and blue rockfish north of Cape Mendocino, and no more than 2,000 lb (907 kg) per month may be species other than yellowtail rockfish, canary rockfish, black rockfish and blue rockfish north of Cape Mendocino. Current open access limits for bocaccio south of Cape Mendocino would remain in effect and would continue to count toward the overall *Sebastes* complex limit of 2,000 lb (907 kg) for that area.

Although the sum of the cumulative monthly limits for canary rockfish, yellowtail rockfish, black rockfish and blue rockfish, and other *Sebastes* rockfish is greater than the overall monthly cumulative limit for the *Sebastes* complex north of Cape Mendocino, the overall *Sebastes* complex limit may not be exceeded. Consequently, the monthly cumulative limits for canary rockfish, yellowtail rockfish, black rockfish and blue rockfish, and other *Sebastes* complex species north of Cape Mendocino cannot all be achieved. Similarly, the canary rockfish coastwide limit is equal to the *Sebastes* complex limit south of Cape Mendocino. Any canary rockfish taken south of Cape Mendocino counts against the overall *Sebastes* complex limit, which may not be exceeded.

The adjusted trip limits are calculated to provide a year long fishing opportunity. Pacific Coast groundfish landings are monitored throughout the year, and further adjustments to cumulative trip limits will be made as necessary.

#### **Pink Shrimp Fishery**

Groundfish regulations allow shrimp trawlers to retain and land groundfish caught incidentally on fishing trips targeting pink shrimp. Pink shrimp trawls are one of the open access "exempted" trawl gears. Under the 1999 management measures, exempted trawl gears are managed under a 300 lb (136 kg) groundfish "per trip" limit, including the same daily trip limits for sablefish (300 lb (136 kg) north of 36° N. lat. and 350 lb (159 kg) south of 36° N. lat.) and thornyheads (50 lb (22.7 kg) per day south of Point Conception) as all other open access gears. This limit was a change from previous years' management measures for pink shrimp trawlers, which had been permitted to multiply the daily trip limit for

groundfish by the number of days in the fishing trip.

The pink shrimp fishery has historically been managed to allow landings of incidentally caught groundfish, so that fishers would not be required by regulations to discard those groundfish. At the March 1999 Council meeting, the GMT advised the Council that restricting the pink shrimp fishery to 300 lb (136 kg) of groundfish per trip might force regulatory discards of incidentally caught groundfish, without reducing the discard mortality in the pink shrimp fishery. If management measures for pink shrimp trawlers accommodate landings of incidentally caught groundfish, those landings (by vessels without limited entry permits) are counted against the open access groundfish allocations. Incidentally caught groundfish that are discarded are not measured and are not counted against allocations. However, assumptions are made about overall discards and discards are taken into account when calculating overall harvest. Furthermore, some shrimp fishers testified that groundfish are a historical, desirable component of their shrimp/groundfish fishery and should not be treated as incidental catch. For these reasons, the Council recommended setting a new trip limit for vessels engaged in fishing for pink shrimp with exempted trawl gear at 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 2,000 lb (907 kg) per trip. The 500 lb (227 kg) per day portion of this limit had been in effect until January 1, 1999. All groundfish landings in the pink shrimp fishery, except for Dover sole and Pacific whiting landings, would continue also to be managed under species-specific daily, monthly, and 2-month cumulative trip limits (including the 1,800 lb (817 kg) 2-month cumulative limit for sablefish), except that the daily trip limit for sablefish north of 36° N. lat. would no longer apply to this fishery. Dover sole and Pacific whiting landings would be constrained by the per trip groundfish limit. The Council further recommended that, in any landing by vessels engaged in fishing for pink shrimp, the amount of groundfish landed not exceed the amount of pink shrimp landed.

#### **Groundfish Taken by Exempted Trawl Gears Outside of the Pink Shrimp Fishery**

In addition to the pink shrimp fishery, groundfish may be landed by vessels using exempted trawl gear in fisheries targeting spot and ridgeback prawns,

California halibut, and sea cucumber. The Council considered restricting landings of groundfish taken in all exempted trawl fisheries so that in any landing, the amount of groundfish landed would not exceed the amount of the target species landed. This issue was tabled until the April 1999 Council meeting, so that the Council could have the benefit of advice from its Groundfish Advisory Panel.

#### Inseason Trip Limit Adjustments Between Council Meetings

The 1999 cumulative trip limit periods for the limited entry fishery include 2-month cumulative limit periods for April-May, June-July, and August-September. During those periods, Council meetings are scheduled for April, June, and September, which means that the Council could only make inseason adjustments at its April meeting for June 1 and at its June meeting for August 1. At its March 1999 meeting, the Council's GMT recommended that the Council plan to make no trip limit adjustments at the April meeting, because landings data from the January 1 through March 31 cumulative limit period would not be available until after that meeting. To allow itself more flexibility for inseason adjustments, the Council decided that if it wants the opportunity to adjust trip limits before June 1, a conference call could be conducted with individuals identified by the Council to recommend adjustments based on recommendations from the May 1999 GMT meeting. A similar conference call could be scheduled in July if GMT recommendations from the July 1999 GMT meeting suggest that inseason adjustments are necessary.

#### Corrections to the 1999 Specifications and Management Measures

This document also contains three technical corrections to the 1999 annual specifications and management measures (64 FR 1316, January 8, 1999). The definition of a daily trip limit at Section IV, under A.(1)(b) states that under a daily trip limit, only two landings of groundfish may be made in a 24-hour period. This was a mistake. For years, under a daily trip limit, only one landing could be made in a 24-hour period, and that restriction was not changed for 1999. Therefore, a correction is being made in this document to the definition of "daily trip limit" to restrict the number of landings under a daily trip limit to one in a 24-hour period.

The second mistake is in Section IV, under A.(1)(c)(i)(C), which states that in

1999, limited entry permit transfers take effect on the first day of a major cumulative limit period, and that those days in 1999 are January 1, April 1, June 1, August 1, October 1, November 1, and December 1. According to the groundfish regulations at 50 CFR 660.333 (c)(1), " \* \* \* Transfers of permits designated as participating in the "B" platoon will become effective on the first day of the next "B" platoon major limited entry cumulative limit period following the date of the transfer \* \* \* " Therefore, a correction has been made to this section of the annual specifications to include the effective dates of transfer for those vessels participating in the "B" platoon.

The third mistake is in Section IV, under B.(2)(b), which reads, "Harvest of all *Sebastes* complex species (except bocaccio), including those species with their own cumulative limits (yellowtail rockfish, canary rockfish, bocaccio), count toward the overall applicable *Sebastes* cumulative limits for the areas north and south of Cape Mendocino." This sentence is internally inconsistent, and is also inconsistent with the next paragraph, which makes clear that bocaccio do count toward the overall *Sebastes* limit. Therefore, this section is being modified to clarify that bocaccio count toward the overall *Sebastes* complex limits.

#### NMFS Action

For the reasons stated above, NMFS concurs with the Council's recommendations and announces the following changes to the 1999 annual management measures (64 FR 1316, January 8, 1999, as amended). The annual management measures are modified as follows:

1. In section IV, under A. *General Definitions and Provisions*, paragraphs (1)(b) and (1)(c)(i)(C) are revised, paragraph (12) introductory text is revised, and paragraph (12)(c) is added to read as follows:

#### A. General Definitions and Provisions

\* \* \* \* \*

(1) \* \* \*

(b) A *daily trip limit* is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 local time. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) \* \* \*

(i) \* \* \*

(C) *Permit transfers*. For the purposes of the restriction that limited entry permit transfers are to take effect only

on the first day of a major cumulative limit period (50 CFR 660.333 (c)(1)), those days in 1999 are January 1, April 1, June 1, August 1, October 1, November 1, and December 1. For vessels with permits authorized to participate in the "B" platoon, those days in 1999 are January 16, April 16, June 16, August 16, October 16, November 16, and December 16.

\* \* \* \* \*

(12) *Operating in areas with different trip limits*. Trip limits for a species or species complex may differ in different geographic areas along the coast. The following "crossover" provisions apply to vessels operating in different geographical areas that have different cumulative or "per trip" trip limits for the same species or species complex, unless otherwise specified as in paragraph (c) for chilipepper and splitnose rockfishes and the *Sebastes* complex. \* \* \*

\* \* \* \* \*

(c) *Chilipepper Rockfish, Splitnose Rockfish and the Sebastes Complex*. If a vessel takes and retains, possesses, or lands any splitnose or chilipepper rockfish south of Cape Mendocino, then the more restrictive *Sebastes* complex cumulative trip limit applies during the same cumulative limit period, no matter where the *Sebastes* complex is taken and retained, possessed, or landed.

\* \* \* \* \*

2. In section IV, under B. *Limited Entry Fishery*, paragraph B.(2)(b) and table 3 under B.(2)(b)(i) are revised to read as follows:

#### B. Limited Entry Fishery

\* \* \* \* \*

(2) \* \* \*

(b) *Trip limits for the Sebastes complex*. Harvest of all *Sebastes* complex species, including those species with their own cumulative limits (yellowtail rockfish, canary rockfish, bocaccio), count toward the overall applicable *Sebastes* cumulative limits for the areas north and south of Cape Mendocino. Crossover provisions for operating on both sides of Cape Mendocino during a cumulative trip limit period are found in Section IV, paragraph (A)(12), with special provisions for chilipepper rockfish, splitnose rockfish, and the *Sebastes* complex.

(i) *Trip limits for the Sebastes complex except bocaccio*. The cumulative trip limits for the *Sebastes* complex and its component species are as follows, unless otherwise announced in the **Federal Register**:

TABLE 3.—SEBASTES COMPLEX AND ITS COMPONENT SPECIES  
[except bocaccio]

| Phase     | Cumulative trip limit periods | Cumulative Trip Limits (in pounds)                   |                      |   |  |                     | Length of Cumulative trip limit period |
|-----------|-------------------------------|--|----------------------|---|--|---------------------|--|
|           |                               | Sebastes complex (north and south of Cape Mendocino) |                      | Yellowtail rockfish <sup>1</sup><br>(north of Cape Mendocino) | Canary rockfish <sup>1</sup> (coastwide) |                     |  |
|           |                               | North  | South                |   | North                                    | South               |  |
| I .....   | Jan 1–Mar 31 .....            | 24,000<br>(10,886 kg)                                | 13,000<br>(5,897 kg) | 15,000<br>(6,804 kg)  | 9,000<br>(4,082 kg)                      | 9,000<br>(4,082 kg) | 3 months.                              |
| II .....  | Apr 1–May 31 .....            | 25,000   | 6,500                | 13,000  | 9,000                                    | 6,500               | 2 months.                              |
|           | June 1–July 31 .....          | 25,000   | 6,500                | 13,000  | 9,000                                    | 6,500               | 2 months.                              |
|           | Aug 1–Sept 30 .....           | 25,000   | 6,500                | 13,000  | 9,000                                    | 6,500               | 2 months.                              |
|           |                               | (11,340 kg)  | (2,948 kg)           | (5, 897 kg)   | (4,082 kg)                               | (2,948 kg)          |  |
| III ..... | Oct 1–31 .....                | 10,000   | 5,000                | 5,000   | 3,000                                    | 3,000               | 1 month.                               |
|           | Nov 1–30 .....                | 10,000   | 5,000                | 5,000   | 3,000                                    | 3,000               | 1 month.                               |
|           | Dec 1–31 .....                | 10,000   | 5,000                | 5,000   | 3,000                                    | 3,000               | 1 month.                               |
|           |                               | (4,536 kg)   | (2,268 kg)           | (2,268 kg)  | (1,361 kg)                               | (1,361 kg)          |  |

<sup>1</sup> Also counts toward the overall *Sebastes* complex limit, which may not be exceeded.

\* \* \* \* \*

3. In section IV, under C. *Trip limits in the Open Access Fishery*, paragraphs C.(1)(d)(i), C.(1)(g), C.(2), C.(4), C.(5), and the heading of paragraph C.(6) are revised, and paragraph C.(7) is added to read as follows:

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

\* \* \* \* \*

(1) \* \* \*

(d) *Sebastes complex*—(i) *Cumulative monthly limits*. The cumulative monthly limit for the *Sebastes* complex is 12,000 lb (5,443 kg) per vessel north of Cape Mendocino, and 2,000 lb (907 kg) per vessel south of Cape Mendocino. Within the cumulative trip limit for the *Sebastes* complex, no more than 2,000 lb (907 kg) per month may be canary rockfish coastwide, no more than 6,500 lb (2,948 kg) per month may be yellowtail rockfish north of Cape Mendocino, no more than 3,500 lb (1,588 kg) per month may be black rockfish and blue rockfish combined north of Cape Mendocino, no more than 2,000 lb (907 kg) per month may be *Sebastes* complex species other than yellowtail rockfish, canary rockfish, black rockfish and blue rockfish north of Cape Mendocino, and no more than 500 lb (227 kg) per month may be bocaccio south of Cape Mendocino (except for setnet or trammel net gear—see IV.C.(1)(d)(ii) below). [Note: The sum of the cumulative monthly limits for canary rockfish, yellowtail rockfish, black rockfish and blue rockfish, and other *Sebastes* rockfish is greater than the overall monthly cumulative limit for the *Sebastes* complex north of Cape Mendocino, which may not be exceeded. Consequently, the monthly cumulative limits for canary rockfish, yellowtail rockfish, black rockfish and

blue rockfish, and other *Sebastes* complex species north of Cape Mendocino cannot all be achieved. Similarly, the canary rockfish coastwide limit is equal to the *Sebastes* complex limit south of Cape Mendocino. Any canary rockfish taken south of Cape Mendocino counts against the overall *Sebastes* complex limit, which may not be exceeded.]

\* \* \* \* \*

(g) *Black rockfish*. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies and is counted toward the cumulative *Sebastes* limits, as stated in paragraph IV.C.(1)(d). (The black rockfish limit is also stated in paragraph IV.B.(9))

(2) *Sablefish*. The 2-month cumulative limit periods for sablefish taken in the open access fishery are the same as those stated above for the limited entry nontrawl fishery at paragraph IV.B.(6)(d)(ii).

(a) *Hook-and-line, pot, setnet, trammel net, exempted trawl gears used by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumber*. The following trip limits apply to all open access gear, except for exempted trawl gear used by vessels engaged in fishing for pink shrimp.

(i) *North of 36°00' N. lat.* North of 36°00' N. lat., the daily trip limit for sablefish is 300 lb (136 kg), which counts toward a cumulative trip limit of 1,800 lb (816 kg) per 2-month period.

(ii) *South of 36°00' N. lat.* The daily trip limit for sablefish taken and retained south of 36°00' N. lat. is 350 lb (159 kg). [Note: All sablefish taken by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumber with exempted trawl gear may not exceed and counts against the

300 lb (136 kg) per trip limit for groundfish specified below at paragraph IV.C.(6).]

(b) *Sablefish taken by vessels engaged in fishing for pink shrimp with exempted trawl gear*. North of 36° N. lat., the cumulative trip limit for sablefish is 1,800 lb (816 kg) per 2-month period. South of 36° N. lat., the daily trip limit for sablefish is 350 lb (159 kg) per day, which may not be multiplied by the number of days in the trip.

\* \* \* \* \*

(4) *Dover sole*. The monthly cumulative limit for Dover sole is 100 lb (45 kg) and applies to all open access gear, except for vessels engaged in fishing for pink shrimp with exempted trawl gear, which are constrained by the overall groundfish limits in paragraph IV.C.(7).

(5) *Pacific whiting*. The monthly cumulative limit for Pacific whiting is 100 lb (45 kg), and applies to all open access gear, except for vessels engaged in fishing for pink shrimp with exempted trawl gear, which are constrained by the overall groundfish limits in paragraph IV.C.(7).

(6) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for spot and ridgeback prawns, California halibut, and sea cucumbers*

\* \* \*

(7) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp*. The trip limit for a vessel engaged in fishing for pink shrimp is 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 2,000 lb (907 kg) per trip. In addition, no other open access limits may be exceeded by a vessel engaged in fishing for pink shrimp, except for the

limits for Dover sole and Pacific whiting, landings of which are constrained by the per trip groundfish limits. In any landing by vessels engaged in fishing for pink shrimp, the amount of groundfish landed may not exceed the amount of pink shrimp landed. [Note: Although vessels engaged in fishing for pink shrimp were permitted to retain thornyheads in the latter half of 1998, retention of thornyheads north of Pt. Conception is prohibited for this and all other open access fisheries in 1999.]

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#### *Classification*

These actions are authorized by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan. 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 implement these changes at the beginning of the April through May 2-month cumulative limit period, and because the public had an opportunity to comment on the action at

the March 1999 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: March 31, 1999.

**Richard W. Surdi,**

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