

comes out of the water and shall not resume until the turtle has been disentangled and released;

(iii) If, in spite of the measures taken under paragraphs (e)(3)(i) and (ii) of this section, a turtle is accidentally brought onboard the vessel alive and active, the vessel's engine shall be disengaged and the turtle shall be released as quickly as practicable;

(iv) If a turtle brought on board under paragraph (e)(3)(iii) of this section is alive but comatose or inactive, the resuscitation procedures described in § 223.206(d)(1)(i)(B) of this title shall be used before release of the turtle.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 092001A]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: General category daily retention limit adjustment; Harpoon category reopening; Quota transfer.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) General category daily catch limit should be adjusted to two large medium or giant BFT per vessel. NMFS has also determined that the BFT General category restricted fishing day (RFD) schedule should be adjusted; i.e., certain RFDs should be waived in order to allow for maximum utilization of the General category subquota for the October-December fishing period. Therefore, NMFS increases the daily retention limit from zero to two large medium or giant BFT on the RFDs previously designated for October 1 and 3, 2001, and from one to two large medium or giant BFT for all other fishing days through October 31, 2001. NMFS has also determined that the adjusted BFT Harpoon category quota has not been fully attained. Therefore, NMFS reopens the Harpoon category until the adjusted quota is reached. Additionally, NMFS has determined that a quota transfer to the Harpoon category from the Reserve is warranted, and therefore transfers 20 metric tons (mt) from the Reserve to the Harpoon

category for the remainder of the 2001 fishing year.

DATES: The Harpoon category reopening and quota transfer are effective September 21, 2001, through May 31, 2002. The General category catch limit adjustments are effective September 24, 2001, through October 31, 2001.

FOR FURTHER INFORMATION CONTACT: Pat Scida or Brad McHale, 978-281-9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories, and General category effort controls (including time-period subquotas and RFDs) are specified annually under 50 CFR 635.23(a) and 635.27(a). The 2001 General category effort controls were effective on July 13, 2001 (66 FR 37421, July 18, 2001).

Adjustment of Daily Retention Limits

Under § 635.23 (a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT. Based on a review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds, NMFS has determined that an increase of the daily retention limit for the remainder of September through October 31, 2001 is appropriate. Therefore, NMFS adjusts the daily retention limit to two large medium or giant BFT per vessel from September 24, 2001, through October 31, 2001. Also under 50 CFR 635.23(a)(4), NMFS has determined that adjustment to the RFD schedule, and, therefore, an increase of the daily retention limit for certain previously designated RFDs, is necessary. Therefore, NMFS adjusts the daily retention limit for October 1 and 3, 2001, from zero to two large medium or giant BFT per vessel.

The intent of these adjustments is to allow for maximum utilization of the General category subquotas for the September and October-December fishing periods (specified under 50 CFR 635.27(a)) by General category participants in order to achieve optimum yield in the General category

fishery, to collect a broad range of data for stock monitoring purposes, and to be consistent with the objectives of the HMS FMP.

Reopening of the Harpoon Category

The final initial 2001 BFT quota specifications issued pursuant to 50 CFR 635.27 set a quota of 55 mt of large medium and giant BFT to be harvested from the regulatory area by vessels permitted in the Harpoon category during the 2001 fishing year (66 FR 37421, July 18, 2001). The Harpoon category quota was adjusted on August 29, 2001, when 15 mt were transferred from the Reserve to the Harpoon category for an adjusted Harpoon category quota of 70 mt (66 FR 46400, September 5, 2001). Based on reported landings and effort, NMFS projected that this quota would be reached by September 16, 2001. Therefore, fishing for, retaining, possessing, or landing large medium or giant BFT by vessels in the Harpoon category ceased at 11:30 p.m. local time, Sunday, September 16, 2001 (66 FR 48221, September 19, 2001). Upon review of actual landings reports as of September 19, 2001, NMFS has determined that Harpoon category landings totaled approximately 68 mt. Therefore, NMFS is reopening the Harpoon category effective September 21, 2001, through May 31, 2002.

Quota Transfer

Under the implementing regulations at 50 CFR 635.27 (a)(7), NMFS has the authority to allocate any portion of the Reserve to any category quota in the fishery, other than the Angling category school BFT subquota (for which there is a separate reserve), after considering the following factors: (1) The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; (2) the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no allocation is made; (3) the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded; (5) effects of the transfer on BFT rebuilding and overfishing; and (6) effects of the transfer on accomplishing the objectives of the HMS FMP.

Annual BFT quota specifications issued under 50 CFR 635.27 provide for a quota of 55 mt of large medium and giant BFT to be harvested from the regulatory area by vessels fishing under the Harpoon category quota during the

2001 fishing year. The Harpoon category quota was adjusted on August 29, 2001, when 15 mt were transferred from the Reserve to the Harpoon category for an adjusted Harpoon category quota of 70 mt (66 FR 46400, September 5, 2001).

After considering the reopening of the Harpoon category fishery and the criteria for making transfers between categories and from the Reserve, NMFS has determined that 20 mt of the remaining 26.9 mt of Reserve should be transferred to the Harpoon category. Thus, the adjusted annual quota for the Harpoon category is 90 mt for the 2001 fishing year.

Once the adjusted Harpoon category quota has been attained, the Harpoon category will be closed. Announcement of the closure will be filed with the Office of the Federal Register, stating the effective date of closure and further communicated through the Highly Migratory Species Fax Network, the Atlantic Tunas Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of closure will be provided as far in advance as possible, fishermen are encouraged to call the Atlantic Tunas Information Line at (888) USA-TUNA or (978) 281-9305, to check the status of the fishery before leaving for a fishing trip.

Classification

This action is taken under 50 CFR 635.23(a)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 21, 2001.

Bruce C. Morehead,

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 660

[Docket No. 010502110-1110-01; I.D. 091001C]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Commercial Salmon Season from Queets River, WA, to Cape Falcon, OR

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

ACTION: Inseason adjustment to the 2001 annual management measures for the ocean salmon fishery; request for comments.

SUMMARY: NMFS announces a modification of the open periods and limited retention regulation for the commercial fishery from the Queets River, WA, to Cape Falcon. The fishing period opened August 17, 2001, and closed at midnight on August 27, 2001, with a limit of 150 chinook per boat for the entire open period. The fishery was assessed on August 29, 2001, and any further openings announced as needed. This action is necessary to conform to the 2001 annual management measures for ocean salmon fisheries.

DATES: Adjustment in the area from Queets River, WA, to Cape Falcon, OR — effective 0001 hours local time (l.t.), August 17, 2001, through 2359 hours l.t. August 27, 2001. Comments will be accepted through October 12, 2001.

ADDRESSES: Submit comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; fax 206-526-6376; or Rod McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; fax 562-980-4018. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206-526-6140, Northwest Region, NMFS, NOAA.

SUPPLEMENTARY INFORMATION: The Northwest Regional Administrator, NMFS (Regional Administrator) has determined that the commercial fishery from the Queets River, WA, to Cape Falcon, OR, should reopen for 11 days, starting August 17, 2001, and closing at midnight on August 27, 2001, with a limit of 150 chinook for this open period per boat. Modification of fishing seasons is authorized by regulations at 50 CFR 660.409 (b)(1)(i). Modification of the species that may be caught and landed during specific seasons and the establishment or modification of limited retention regulations is authorized by regulations at 50 CFR 660.409 (b)(1)(ii).

In the 2001 annual management measures for ocean salmon fisheries (66 FR 23185, May 8, 2001), NMFS announced that the commercial fishery for all salmon in the area from the Queets River, WA to Cape Falcon, OR would open the earlier of the day

following closure of the U.S.-Canada Border to Leadbetter Pt. July troll fishery or July 28, 2001, but not before July 20, 2001, through the earliest of September 30 or the overall chinook quota (preseason 6,000-chinook guideline) or a 63,000 marked coho guideline. The fishery was scheduled to run continuously until 75 percent of either guideline was caught; it would then revert to a cycle of 4 days open/3 days closed. The 2001 annual management measures for ocean salmon fisheries also stated that trip limits, gear restrictions, and guidelines would be instituted or adjusted inseason.

The U.S.-Canada Border to Leadbetter Pt. July troll fishery closed on July 9, 2001, at 2359 hours l.t. (66 FR 38573, July 25, 2001). The commercial fishery for all salmon from Queets River, WA to Cape Falcon, OR therefore started July 20, 2001.

Because of a higher than expected chinook/coho catch ratio, the commercial fishery from the Queets River, WA, to Cape Falcon, OR began July 20, 2001, under a cycle of 4 days open/3 days closed, and with a limit of 65 chinook per open period per boat (66 FR 45634, August 29, 2001). The modifications to the fishing season were adopted to avoid closing the fishery early due to reaching the chinook quota, thus precluding the opportunity to catch available marked hatchery coho salmon.

Evaluation of the catch rates during the first open period indicated that no further season modifications were necessary for the second 4 day opening (July 27-30, 2001).

Because the availability of coho salmon was increasing, the next fishing season opening was lengthened to 10 days, reopening August 3 and closing at midnight on August 12, 2001, with a limit of 100 chinook for the open period per boat (66 FR 46403, September 5, 2001).

On August 14, 2001, after the third open period, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife (WDFW), and Oregon Department of Fish and Wildlife (ODFW) by conference call. The chinook/coho catch rates and effort data indicated that the availability of coho was increasing in the area while the availability of chinook was decreasing. The WDFW and ODFW recommended, and the Regional Administrator concurred, that the season would reopen August 17, 2001, for 11 days and close at midnight on August 27, 2001, with a limit of 150 chinook per boat for the entire open period. All other restrictions that apply to this fishery