

sentence to the end of the paragraph: "The redesignation of paragraph (j) as (k) effects three additional cross-references in 50 CFR part 648. Therefore, the cross-references to paragraph (j) contained in the following paragraphs are also revised to reflect paragraph (k). In § 648.2, the cross-reference to § 648.82(j)(1)(iv) contained in the definition for "Day(s)-at-Sea (DAS)" is revised to read "§ 648.82(k)(1)(v)". In § 648.4(c)(2)(iii)(B), the cross-reference to § 648.80(j) is revised to read "§ 648.82(k)". In § 648.10(f)(2), the cross-reference to § 648.82(j)(1)(iii) is revised to read "§ 648.82(k)(1)(iv)".

#### *Correction to Regulatory Text*

On page 37156, in the first column, the following amendatory instructions are added after the authority citation to read as follows:

1a. In § 648.2, the definition for "Days-at-Sea (DAS)" is revised to read as follows:

#### **§ 648.2 Definitions.**

\* \* \* \* \*

*Day(s)-at-Sea (DAS)*, with respect to the NE multispecies and scallop fisheries, except as described in § 648.82(k)(1)(v), means the 24-hour periods of time during which a fishing vessel is absent from port in which the vessel intends to fish for, possess or land, or fishes for, possesses, or lands regulated species or scallops.

\* \* \* \* \*

1b. In § 648.4, the first sentence of paragraph (c)(2)(iii)(B) is revised to read as follows:

#### **§ 648.4 Vessel and individual commercial permits.**

\* \* \* \* \*

- (c) \* \* \*
- (2) \* \* \*
- (iii) \* \* \*

(B) For vessels fishing for NE multispecies with gillnet gear, with the exception of vessels under the Small Vessel permit category, an annual declaration as either a Day or Trip gillnet vessel designation as described in § 648.82(k). \* \* \*

\* \* \* \* \*

1c. In § 648.10, paragraph (f)(2) is revised to read as follows:

#### **§ 648.10 DAS notification requirements.**

\* \* \* \* \*

- (f) \* \* \*

(2) *Gillnet call-in*. Vessels subject to the gillnet restriction described in § 648.82(k)(1)(iv) must notify the Regional Administrator of the commencement date of their time out of the NE multispecies gillnet fishery using

the procedure described in paragraph (f)(1) of this section.

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

Dated: September 25, 1997.

**David L. Evans,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 660**

[Docket No. 961227373-6373-01; I.D. 092497C]

### **Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Nontrawl Sablefish Mop-Up Fishery**

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

**ACTION:** Announcement of nontrawl sablefish mop-up fishery; fishing restrictions; request for comments.

**SUMMARY:** NMFS announces adjustments to the management measures for the Pacific Coast groundfish fishery off Washington, Oregon, and California. This action establishes beginning and ending dates and the cumulative period landings limit for the mop-up fishery for nontrawl limited entry sablefish, and sets daily and cumulative trip limits for the nontrawl limited entry sablefish fishery after the mop-up fishery. These actions are intended to provide for harvest of the remainder of the 1997 limited entry nontrawl allocation for sablefish.

**DATES:** The nontrawl sablefish mop-up fishery will begin at 1201 hours local time (l.t.), October 1, 1997, and will end at 1200 hours l.t., October 15, 1997, at which time the limited entry daily trip limit fishery resumes. The daily trip limits for the nontrawl sablefish fishery will remain in effect 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 until October 15, 1997.

**ADDRESSES:** Comments on these actions should be sent to William Stelle, Jr., Administrator, Northwest Region, (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle,

WA 98115-0070; or to William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these actions has been compiled in aggregate form and is available for public review during business hours at the office of the Regional Administrator.

#### **FOR FURTHER INFORMATION CONTACT:**

William L. Robinson at 206-526-6140; or Svein Fougner at 562-980-4034.

**SUPPLEMENTARY INFORMATION:** The regulations at 50 CFR 660.323(a)(2) (62 FR 45350, August 27, 1997) established a new season structure for the limited entry nontrawl sablefish fishery in 1997. The "regular season" was an equal cumulative limit fishery during which each limited entry permit holder with a sablefish endorsement had the opportunity to fish under an equal cumulative limit. Other than the large, equal cumulative limit, the only trip limit in this fishery was for sablefish smaller than 22 inches (56 cm). The 1997 regular season started at noon on August 25, 1997, and lasted for 9 days to noon on September 3, 1997.

Preseason estimates of the likely total harvest in the regular season fishery were conservative in order to minimize the risk of the fishery exceeding its total allocation. Because of the conservative projections, the regular fishery was not expected to harvest all of the limited entry, fixed gear allocation for north of 36° N. lat. in excess of that required for the daily trip limit fishery. The Regional Administrator is authorized to announce a mop-up fishery for any excess, if it is large enough, about 3 weeks after the end of the regular season and consisting of one cumulative trip limit for each vessel.

Only individuals holding limited entry permits with sablefish endorsements may participate in the mop-up fishery. No more than one cumulative limit may be landed on each limited entry permit with a sablefish endorsement. Approximately 3 weeks are needed for the Pacific Fishery Management Council (Council) Groundfish Management Team to compile all of the landings receipts from the regular season and to calculate the amount available for the mop-up season, if any. This notice establishes the 1997 mop-up fishery for limited entry, fixed gear permit holders with sablefish endorsements.

Following the mop-up fishery, daily trip limits are reimposed until the end of the year. At the September 8-12, 1997, Council meeting, the Council recommended that the limited entry, fixed gear daily trip limits for sablefish

taken north of 36° N. lat. following the mop-up season would be 300 lb (136 kg) per day, with no more than 1,500 lb (680 kg) taken in any one calendar month. Similar changes to the open access trip limits for sablefish taken north of 36° N. lat. will be announced in a separate notice.

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 hours local time. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated. If a trip lasts more than 1 day, only one daily trip limit is allowed. Daily trip limits were in effect until the beginning of the regular season, and went back into effect after the post-season closure ended on September 5, 1997. A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips.

The 1997 limited entry nontrawl sablefish allocation is 2,754 mt (6,071,468 lb). At its June meeting, the Council recommended restricting the total 1997 limited entry daily trip limit catch to 499 mt (1,100,000 lb), leaving 2,255 mt (4,971,373 lb) for the primary limited entry, fixed gear sablefish fishery. The best available information on September 22, 1997, indicated that approximately 1,643 mt (3,622,300 lb) of sablefish were landed during the regular season. Therefore, 612 mt (1,349,215 lb) remains available to the mop-up fishery. The Regional Administrator, after consulting with the Council on September 11, 1997, has determined that the mop-up fishery will occur, and that a cumulative trip limit of 8,500 lb (3,851 kg) (round weight) in a 2-week period (October 1–15, 1997) would provide for the expected fishery participants, leaving enough sablefish for small daily trip limits outside the mop-up fishery, through the end of the year. The trip limit for sablefish smaller than 22 inches (56 cm) total length, or 15.5 inches (39 cm) for sablefish that are headed, that was in effect during the regular season continues during the mop-up season.

The mop-up cumulative trip limit applies to each vessel and permit where the permit is a valid limited entry permit endorsed for pot or longline gear, and with a sablefish endorsement. No more than one cumulative limit may be landed on each permit, and no vessel may land more than one cumulative limit. Once a vessel has landed its 8,500 lb (3,851 kg) cumulative limit, it may not land more sablefish until the daily

trip limits resume at 1201 hours on October 15, 1997. There is no limited entry, daily trip limit fishery during the mop-up fishery period. Therefore, holders of limited entry permits without sablefish endorsements may not land any sablefish during the mop-up period. Similarly, once a permit has been used to land its 8,500 lb (3,851 kg) cumulative trip limit, it may not be used to land more sablefish until the daily trip limits resume. Also, acquiring additional limited entry permits does not entitle a vessel to more than one cumulative limit.

The sablefish daily trip limit for the limited entry fishery after the mop-up season is 300 lb (136 kg) per day, with no more than 1,500 lb (680 kg) to be taken in any one calendar month. Since the daily trip limits apply to a 24-hour day starting at 0001 hours, but the mop-up fishery begins and ends at 1200 hours, it will be legal for a vessel in the limited entry fishery to land a daily trip limit between 0001 hours and 1200 hours on October 1, 1997, just before the start of the mop-up season, and between 1201 hours and 2400 hours on October 15, 1997, following the mop-up season.

#### NMFS Actions

NMFS announces the dates of the nontrawl sablefish limited entry mop-up fishery and the amounts of sablefish that may be taken with limited entry nontrawl gear during and after the limited entry mop-up fishery in 1997. All other provisions remain in effect. In the 1997 annual management measures, paragraph IV.E.(2)(c) at 62 FR 700, January 6, 1997, is revised to read as follows:

IV. \* \* \*

E. \* \* \*

(2) *Limited Entry Fishery.* \* \* \*

(c) *Nontrawl trip and size limits.* (i) *Daily trip limits.* Effective 1201 hours October 15, 1997. The daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. is 300 lb (136 kg), not to exceed 1,500 lb (680 kg) cumulative in a calendar month.

(A) The daily trip limit for sablefish taken and retained with nontrawl gear south of 36°00' N. lat. is (1) 350 lb (159 kg) with no cumulative limit on the amount of sablefish that may be retained in a month; or, (2) one landing of sablefish per week above 350 lb (159 kg) but not to exceed 1,050 lb (476 kg). A week is 7 consecutive days, from 0001 hours (l.t.) Sunday through 2400 hours (l.t.) Saturday.

(ii) *Trip limits for small sablefish.* During the regular and mop-up seasons, sablefish smaller than 22 inches (56 cm) (total length) may comprise no more

than 1,500 lb (680 kg), or 3 percent of all legal sablefish on board 22 inches (56 cm) or larger, whichever is greater. (See paragraph IV.A.(6) of the annual management measures at 62 FR 700, January 6, 1997, regarding length measurement.)

(iii) *Mop-Up Fishery.* Effective 1201 hours October 1, 1997, until 1200 hours (local time) October 15, 1997, the cumulative trip limit for sablefish caught with nontrawl gear in the limited entry fishery is 8,500 lb (3,851 kg) per vessel.

(Note: The States of Washington, Oregon, and California use a conversion factor of 1.6 to convert dressed sablefish to its round-weight equivalent. Therefore, 8,500 lb (3,851 kg) round weight corresponds to 5,313 lb (2,407 kg) for dressed sablefish.)

#### Classification

These actions are authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of 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 Regional Administrator (see ADDRESSES) during business hours. Because of the need for immediate action to start the mop-up fishery for sablefish, and because the public had an opportunity to comment on these actions at the September 1997 Council meeting in Portland, OR, NMFS has determined that providing an opportunity for public notice and comment would be impracticable, unnecessary, and contrary to public interest. Participants in the regular season sablefish fishery are anxious to begin fishing. Delay of this rule could push the mop-up season into bad winter weather. Therefore, the agency finds 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(a)(2), and are exempt from review under E.O. 12866.

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

Dated: September 25, 1997

**Gary C. Matlock,**

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

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