

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 971229312-7312-01; I.D. 052898A]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Mothership Sector

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the 1998 mothership fishery for whiting at 9 p.m. local time (l.t.) May 31, 1998, because the allocation for the mothership sector will be reached by that time. This action is intended to keep the harvest of whiting at levels announced by NMFS on January 6, 1998.

DATES: Effective from 9 p.m. l.t. May 31, 1998, until the start of the 1999 primary season for the mothership sector, unless modified, superseded or rescinded, which will be published in the **Federal Register**. Comments will be accepted through June 18, 1998.

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

FOR FURTHER INFORMATION CONTACT: Katherine King at 206-526-6145.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. On January 6, 1998 (63 FR 419), regulations were published announcing the annual management measures for Pacific Coast whiting. The regulations at 50 CFR 660.323(a)(4) (62 FR 27519, May 20, 1997) established separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery. Each allocation is a harvest guideline, which, when reached, results in the end of the primary season for that sector. The catcher/processor sector is composed of catcher/processors, which are vessels

that harvest and process whiting. The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting. The shoreside sector is composed of vessels that harvest whiting for delivery to shore-based processors. The allocations, which are based on the 1998 commercial harvest guideline for whiting of 207,000 metric tons (mt), are: 70,400 mt (34 percent) for the catcher/processor sector; 49,700 mt (24 percent) for the mothership sector; and 86,900 mt (42 percent) for the shoreside sector.

The best available information on May 28, 1998, indicates that 33,841 mt of whiting had been taken by the mothership sector through May 26, 1998, and that the 49,700-mt mothership allocation would be reached by 9 p.m. l.t. May 31, 1998. Accordingly, the primary season for the mothership sector ends at 9 p.m. l.t. May 31, 1998, at which time further at-sea processing and receipt of whiting by a mothership, or taking and retaining, possessing or landing of whiting by a catcher boat in the mothership sector, are prohibited. The regulations at 50 CFR 600.323(a)(3)(i) describe the primary season for vessels delivering to motherships as the period(s) when at-sea processing is allowed and the fishery is open for the mothership sector.

Attainment of the catcher/processor and shore-based sector allocations is not announced at this time.

NMFS Action

For the reasons stated above, and in accordance with the regulations at 50 CFR 660.323(a)(4)(iii)(B), NMFS herein announces:

Effective 9 p.m. l.t. May 31, 1998-(1) Further receiving or at-sea processing of whiting by a mothership is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a mothership may continue to process whiting that was on board before at-sea processing was prohibited; and (2) whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector.

Classification

This action is authorized by the regulations implementing the FMP. The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**)

during business hours. This action is taken under the authority of 50 CFR 660.323(a)(4)(iii)(B) and is exempt from review under E.O. 12866.

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

Dated: May 29, 1998.

George H. Darcy,

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. 980521135-8135-01; I.D. 051198B]

RIN 0648-AK85

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 1998 Harvest Guideline

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

ACTION: Harvest guideline for crustaceans for 1998.

SUMMARY: NMFS announces a 1998 harvest guideline of 286,000 lobsters (spiny and slipper lobsters combined) for the Northwestern Hawaiian Islands (NWHI) crustacean fishery, which opens on July 1, 1998. The harvest guideline applies to the entire NWHI; however, due to the potential for overexploitation of lobster populations at certain NWHI banks/areas, the Western Pacific Fishery Management Council (Council) is considering allocating the harvest guideline among specific areas or banks to ensure the long-term health of the lobster populations and stability of the fishery. The intent of this action is to prevent overfishing and achieve the objectives of the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP).

DATES: Effective July 1, 1998.

ADDRESSES: Copies of background material pertaining to this action may be obtained from Alvin Katekaru, Pacific Islands Area Office, Southwest Region, NMFS, 2570 Dole Street, Honolulu, HI 96822 or Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru at (808) 973-2985 or Kitty Simonds at (808) 522-8220.

SUPPLEMENTARY INFORMATION: Under Amendment 9 to the FMP, the Southwest Regional Administrator, NMFS (Regional Administrator), sets the annual harvest guideline for the NWHI crustacean fishery. The guideline is determined by multiplying the estimated exploitable lobster population (spiny and slipper lobster combined) by a constant harvest rate (13 percent) associated with a specific risk of overfishing (10 percent. As described in Amendments 7 and 9 to the FMP, the total NWHI population of exploitable lobsters is estimated from commercial logbook lobster catch and effort data. The harvest guideline represents the total allowable mortality of lobsters in the fishery regardless of lobster size or reproductive condition. The Regional Administrator will close the fishery when the harvest guideline is estimated to be reached.

The harvest guideline for the 1998 NWHI lobster fishery is 286,000 lobsters based on an estimated total exploitable population of about 2,200,000 spiny and slipper lobsters (species combined).

Under Amendment 9 to the FMP, the Regional Administrator is required to announce a harvest guideline for the entire NWHI. However, the Regional Administrator has reason to believe that if the 1998 lobster harvest is not limited for certain banks/areas, the lobster populations there may be at risk of overexploitation. The Council and fishing industry also concur with this assessment. At its 95th meeting, the Council initiated action to consider the establishment of a bank/area specific management regime under the framework procedures of the FMP. At its 96th meeting, which was held on May 8, 1998, the Council met and voted to recommend bank-specific harvest guidelines for the 1998 fishing year. The public was given the opportunity to comment prior to and at this meeting, on the issue of bank-specific harvest guidelines. NMFS is working with the Council to develop separate proposed and final rules for bank-specific harvest guidelines.

The Pacific Islands Area Office will monitor landings and issue timely reports of the level of cumulative catch information and of the amount of the

harvest guideline remaining. Fishermen are advised to contact the Pacific Islands Area Office (see **ADDRESSES**) periodically to stay abreast of any changes and of progress of the fishery toward attaining the harvest guideline. Under the procedures in 50 CFR 660.50(b)(3), NMFS will announce the date upon which the harvest guideline will be reached and when the fishery will be closed.

Classification

This action is authorized by 50 CFR part 660 and is exempt from review under Executive Order 12866.

Because prior notice and opportunity for public comment are not required for this action by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

The Assistant Administrator for Fisheries (AA), NOAA, finds that because this notice merely announces a harvest guideline resulting from the nondiscretionary application of the objective harvest guideline formula in Amendment 9 to the FMP, no useful purpose would be served by providing prior notice and opportunity for public comment. Accordingly, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive as unnecessary the requirement to provide prior notice and opportunity for public comment.

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

Dated: May 28, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208298-8055-02; I.D. 112097B]

Fisheries of the Exclusive Economic Zone Off Alaska; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Correction to final 1998 specifications for groundfish.

SUMMARY: This document contains corrections to the Final 1998 Harvest Specifications for Groundfish of the Bering Sea and Aleutian Islands which were published on March 16, 1998, and contain an incorrect fishing season date for Pacific cod nontrawl fisheries and an incorrect apportionment of halibut mortality to the nontrawl fisheries.

DATES: This action becomes effective June 3, 1998.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The final 1998 specifications for groundfish of the Bering Sea and Aleutian Islands published on March 16, 1998, announced harvest limits and associated management measures for groundfish during the 1998 fishing year (63 FR 12689). The specifications contained an incorrect fishing season date for Pacific cod nontrawl fisheries, and an incorrect apportionment of halibut mortality to the nontrawl fisheries. The Council intended the allocation of halibut mortality to the Nontrawl Fisheries for Pacific cod to be 750 mt, not 777 mt; the dates for the Pacific cod third seasonal allocation to be September 15 through December 31, not September 14 to December 31; the allocation to that Pacific cod third season (September 15 through December 31) to be 255 mt, not 282 mt; and the allocation to the "Other non-trawl" category to be 83 mt, not 56 mt.

Correction of Publication

The publication on March 16, 1998, of the final regulations (I.D. 112097B), which was the subject of FR Doc. 98-6620 is corrected as follows:

1. On page 12695, Table 6 (Continued), revise the text under the heading "Nontrawl Fisheries" to read as follows:

TABLE 6.—1998 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NONTRAWL FISHERIES—CONTINUED

Nontrawl Fisheries						
Pacific cod	750	.....	.....	.....	.....	.....
Jan. 1–Apr. 30	458	.....	.....	.....	.....	.....
May 1–Sep. 14	37	.....	.....	.....	.....	.....
Sep. 15–Dec. 31	255	.....	.....	.....	.....	.....
Other non-trawl	83	.....	.....	.....	.....	.....