

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 660

[Docket No. 971229312-7312-01; I.D. 081998B]

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

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

**ACTION:** Announcement of fixed gear 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 portion of the limited entry, fixed gear sablefish fishery. These actions are intended to provide for harvest of the remainder of the sablefish available to the 1998 limited entry, fixed gear primary sablefish fishery.

**DATES:** The fixed gear sablefish mop-up fishery will begin at 1201 hours local time (l.t.), August 28, 1998, and will end at 1200 hours l.t., September 11, 1998, at which time the limited entry daily trip limit fishery resumes. The daily trip limits for the fixed gear sablefish fishery will remain in effect, unless modified, superseded or rescinded, until the effective date of the 1999 annual specifications and management measures for the Pacific coast groundfish fishery, which will be published in the **Federal Register**. Comments will be accepted until September 11, 1998.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., 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:** Yvonne deReynier, Northwest Region, NMFS, 206-526-6140; or Svein Fougner, Southwest Region, NMFS, 562-980-4000.

**SUPPLEMENTARY INFORMATION:** The limited entry, fixed gear sablefish

fishery consists of a "primary" fishery, composed of the "regular" fishery described below, during which most of the fixed gear sablefish allocation is taken, and followed by a "mop-up" fishery, during which the remainder of the amount available to the primary fishery is taken.

The regulations at 50 CFR 660.323(a)(2) (63 FR 38101, July 15, 1998) established a new season structure for the limited entry, fixed gear primary sablefish fishery in 1998. Participants in the regular season were divided into three tiers based on their historical and more recent participation in the fixed gear sablefish fishery, and each of the three tiers was assigned a different cumulative limit: 52,000 lb (23,587 kg) for Tier 1; 23,500 lb (10,660 kg) for Tier 2; and, 13,500 lb (6,124 kg) for Tier 3. During the regular season, each limited entry permit holder with a sablefish endorsement had the opportunity to fish up to the limit of the tier assigned to his or her permit. Other than the large, tiered cumulative limits, the only trip limit in this fishery was for sablefish smaller than 22 inches (56 cm). The 1998 regular season started at noon on August 1, 1998, and lasted for 6 days, ending at noon on August 7, 1998.

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 (50 CFR 660.323(a)(2)(v)). 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 document establishes the 1998 mop-up fishery for limited entry, fixed gear permit holders with sablefish endorsements. Only individuals holding limited entry permits with sablefish endorsements may participate in the mop-up fishery. No vessel may land more than one cumulative limit.

The 1998 limited entry nontrawl sablefish allocation is 3,641,999 lb (1,652 mt), of which 3,095,699 lb (1,404.2 mt) is available to the primary

limited entry, fixed gear sablefish fishery. The best available information on August 18, 1998, indicated that approximately 2,598,342 lb (1,178.6 mt) of sablefish were landed during the regular season. Therefore, 497,358 lb (225.6 mt) remains available to the mop-up fishery. The Regional Administrator, after consulting with Council representatives via telephone on August 18, 1998, has determined that the mop-up fishery will occur, and that a cumulative trip limit of 3,200 lb (1,452 kg) (round weight) in a 2-week period (August 28 - September 11, 1998) would give limited entry permit holders with sablefish endorsements the opportunity to harvest the remainder of the sablefish available to the primary fishery without exceeding the amount of sablefish set aside for that fishery. 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.

Only limited entry permit holders with sablefish endorsements may participate in the mop-up fishery. No vessel may land more than one cumulative limit. Once a vessel has landed its 3,200 lb (1,452 kg) cumulative limit, it may not land more sablefish until the daily trip limits resume at 1201 hours on September 11, 1998. 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 vessel with a sablefish endorsed limited entry permit has been used to land its 3,200 lb (1,452 kg) cumulative trip limit in the mop-up fishery, 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.

Following the mop-up fishery, daily trip limits are reimposed until the end of the year, or until modified. The sablefish daily trip limit for the limited entry fishery north of 36° N. lat. after the mop-up season is 300 lb (136 kg) per day, with no more than 1,800 lb (816 kg) cumulative per 2-month periods of September-October and November-December. 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 August 28, 1998, just before the start of the mop-up season, and between 1201 hours and

2400 hours on September 11, 1998, following the mop-up season.

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 August 8, 1998. 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.

#### NMFS Actions

For the reasons stated above, the 1998 annual management measures (63 FR 419, January 6, 1998) are modified. NMFS announces the dates of the fixed gear sablefish limited entry mop-up fishery and the amounts of sablefish that may be taken with limited entry fixed gear during and after the limited entry mop-up fishery in 1998. All other management provisions remain in effect.

In Section IV., under *B. Limited Entry Fishery*, paragraph (4)(d)(i) is revised to read as follows:

#### *B. Limited Entry Fishery*

\* \* \* \*

(4) \* \* \*

\* \* \* \*

(d) \* \* \*

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(i) *Mop-Up Season.* The mop-up season will begin at 12 noon (local time) on August 28, 1998, and end at noon on September 11, 1998. The cumulative trip limit for the mop-up fishery is 3,200 lb (1,452 kg). No vessel may be used to take more than one mop-up cumulative trip limit. (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, 3,200 lb (1,452 kg) round weight corresponds to 2,000 lb (907 kg) for dressed sablefish.)

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#### 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. 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 through April 1998 Council meetings, NMFS has determined that providing an opportunity for public notice and comment would be impractical, unnecessary, and contrary to public interest. Participants in the primary sablefish fishery are anxious to begin the mop-up fishery. Delay of this rule could push the mop-up season into inclement autumn weather; therefore, the agency believes 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: August 21, 1998.

**Gary C. Matlock,**

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

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 081498D]

#### Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for groundfish by vessels using hook-and-line gear in the Gulf of Alaska (GOA), except for sablefish or demersal shelf rockfish. This action is necessary because the third seasonal bycatch allowance of Pacific halibut apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 1, 1998, until 2400 hrs, A.l.t., December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907-486-6919.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The prohibited species bycatch mortality allowance of Pacific halibut for the hook-and-line groundfish fisheries, (defined at § 679.21(d)(4)(iii)(C)), other than sablefish or demersal shelf rockfish, was established by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998) for the third season, the period September 1, 1998, through December 31, 1998, as 25 mt.

In accordance with § 679.21(d)(7)(ii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the third seasonal apportionment of the 1998 Pacific halibut bycatch mortality allowance specified for the hook-and-line groundfish fisheries other than sablefish or demersal shelf rockfish in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for groundfish other than sablefish or demersal shelf rockfish by vessels using hook-and-line gear in the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent exceeding the third seasonal apportionment of the 1998 Pacific halibut bycatch mortality allowance specified for the GOA hook-and-line groundfish fisheries other than sablefish or demersal shelf rockfish. A delay in the effective date is impracticable and contrary to the public interest. The third seasonal bycatch allowance of Pacific halibut apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught. Further delay would only result in exceeding the third seasonal apportionment. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C.