

§ 80.383 Vessel Traffic Services (VTS) system frequencies.

(a) Assigned frequencies:

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VESSEL TRAFFIC CONTROL FREQUENCIES

Carrier frequencies (MHz)	Geographic areas
156.550	New York, New Orleans, ² Houston, Prince William Sound, ² Berwick Bay.
156.600	New York, New Orleans, ² Houston, San Francisco, ² Sault Ste. Marie. ²
156.700	New York, New Orleans, ² Seattle, San Francisco. ¹

¹ Private coast station licenses for the use of this frequency will not be renewed beyond November 1, 1997. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

² Private coast station licenses for the use of this frequency in this area will expire at the end of the current license term or five years after the adopted date of the final rule, whichever comes first. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

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[FR Doc. 98-26524 Filed 10-2-98; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 600 and 660**

[Docket No. 971229312-7312-01; I.D. 092898D]

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

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 trip limits in the Pacific Coast groundfish limited entry fishery for widow rockfish, the *Sebastes* complex, canary rockfish, Dover sole, longspine thornyheads, shortspine thornyheads, trawl-caught sablefish, and sablefish caught with nontrawl gear. NMFS announces changes to the trip limits in the Pacific Coast groundfish open access fishery for sablefish. NMFS also announces closures of open access fisheries: For all rockfish north of Cape Blanco, including all *Sebastes* complex species (which includes yellowtail rockfish and black rockfish); for canary rockfish coastwide; and for widow rockfish coastwide. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to keep landings within the 1998 harvest

guidelines and allocations for these species. In addition to these inseason trip limit changes and closures, NMFS updates the general definitions and provisions of the 1998 annual specifications to reflect regulatory amendments made in 1998.

DATES: Effective 0001 hours local time (l.t.) October 1, 1998; except effective at 0001 hours l.t. October 16, 1998, for changes to limited entry trip limits in Section IV. B. for limited entry trawl vessels in the "B" platoon. These changes 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 through October 20, 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: Katherine King or Yvonne deReynier, Northwest Region, NMFS, 206-526-6140; or James Morgan, Southwest Region, NMFS, 526-980-4000.

SUPPLEMENTARY INFORMATION: The following changes to current management measures were recommended by the Pacific Fishery Management Council (Council) at its September 14-18, 1998, meeting in Sacramento, CA, in consultation with the States of Washington, Oregon, and California.

Limited Entry Fishery

Widow rockfish. Currently widow rockfish are managed under a cumulative limit of 15,000 lb (6,804 kg) per vessel, per month. The best available information at the September Council meeting indicated that the limited entry fishery would not be able to harvest its 4276 mt allocation by the end of the year if the monthly cumulative limit is not increased. To allow the fishery full access to its widow rockfish allocation, the Council recommended that the current monthly cumulative trip limit of 15,000 lb (6,804 kg) be increased to 19,000 lb (8,618 kg).

Sebastes complex. The *Sebastes* complex means all rockfish managed by the FMP except Pacific ocean perch, widow rockfish, shortbelly rockfish, and shortspine and longspine thornyheads.

Currently the *Sebastes* complex is managed with a cumulative trip limit of 20,000 lb (9,072 kg) coastwide, per vessel, per month. Within that monthly cumulative trip limit for the *Sebastes* complex, no more than 6,500 lb (2,948 kg) may be yellowtail rockfish taken and retained north of Cape Mendocino; no more than 1,000 lb (454 kg) may be bocaccio taken and retained south of Cape Mendocino; and no more than 7,500 lb (3,402 kg) may be canary rockfish coastwide.

The best available information at the September Council meeting indicated that the 4,677 mt limited entry allocation for the *Sebastes* complex in the Eureka-Monterey-Conception area would be reached by October 22, 1998, if the rate of landings is not curtailed. Therefore, the Council recommended that the current monthly cumulative trip limit of 20,000 lb (9,072 kg) be reduced to 15,000 lb (6,804 kg) south of Cape Mendocino. The monthly cumulative limit north of Cape Mendocino would

remain at 20,000 lb (9,072 kg), which means that *Sebastes* limits north and south of Cape Mendocino would again be different, as they were in the months of January through June of this year. A vessel fishing for groundfish in an area with more restrictive trip limits is subject to those more restrictive limits for the duration of the applicable trip limit period.

The Council also recommended a change to the trip limit for canary rockfish, which is part of the *Sebastes* complex. The best available information at the September Council meeting indicated that the 953 mt limited entry allocation for canary rockfish would be reached by October 1, 1998. The Council expected that, even if all landings of canary rockfish were prohibited from October 1, 1998, through the end of the year, fishers would still have to discard at least 500 lb (227 kg) per month of incidentally caught canary rockfish. Because incidentally caught canary rockfish are dead when brought to the surface, requiring fishers to discard incidentally caught fish would not reduce fishing mortality. For this reason, the Council decided to exceed the 1998 limited entry allocation for canary rockfish by a small amount, by allowing a small monthly trip limit of 500 lb (227 kg) effective October 1, 1998, so that fishers would not have to discard all of their incidentally caught canary rockfish. The Council expects that this 500 lb (227 kg) monthly trip limit is low enough to discourage fishers from targeting canary rockfish.

DTS complex. "DTS complex" means Dover sole, longspine thornyheads, shortspine thornyheads, and trawl-caught sablefish.

Currently, the DTS complex is managed under monthly cumulative trip limits: For Dover sole, 11,000 lb (4,990 kg); for longspine thornyheads, 6,000 lb (2,722 kg); for shortspine thornyheads, 2,500 lb (1,134 kg); and for trawl-caught sablefish, 3,000 lb (1,361 kg).

The best available information at the September Council meeting indicated that, within the DTS complex, the limited entry fishery would not be able to harvest its allocations for Dover sole (8,955 mt), longspine thornyheads (3,733 mt), and trawl-caught sablefish (2,282 mt) by the end of the year if the monthly cumulative limits for those species are not increased. The best available information at the September Council meeting also indicated that, within the DTS complex, the limited entry allocation of 1,193 mt for shortspine thornyheads would be reached by November 27, 1998, if the rate of landings for this species is not

curtailed. The Council recommended the following trip limit changes for the DTS complex: The monthly cumulative trip limit for Dover sole of 11,000 lb (4,990 kg) would be increased to 18,000 lb (8,165 kg); the monthly cumulative trip limit for longspine thornyheads of 6,000 lb (2,722 kg) would be increased to 7,500 lb (3,402 kg); the monthly cumulative trip limit for shortspine thornyheads of 2,500 lb (1,134 kg) would be reduced to 1,500 lb (680 kg); the monthly cumulative trip limit for trawl-caught sablefish of 3,000 lb (1,361 kg) would be increased to 5,000 lb (2,268 kg).

Nontrawl sablefish north of 36°00' N. lat. The limited entry, nontrawl or "fixed" gear sablefish fishery north of 36°00' N. lat. is managed with a primary season consisting of two openings (regular and mop-up), during which the majority of the limited entry, fixed gear sablefish allocation is taken for the year. Outside the regular and mop-up seasons, there is a small daily trip limit fishery to allow fixed gear vessels to make incidental sablefish landings throughout the year. Currently, the limited entry, fixed gear sablefish fishery north of 36°00' N. lat. is managed with a 300-lb (136-kg) daily trip limit, and a cumulative limit of 1,800 lb (816 kg) per 2-month period (excluding any harvest in the regular or mop-up seasons).

The best available information at the September Council meeting indicated that the limited entry, nontrawl fishery for sablefish would not achieve its 1,652 mt allocation by the end of the year if the fishery were to continue at its current two-month cumulative limit of 1,800 lb (816 kg). For this reason, the Council recommended increasing the cumulative trip limit for the September through October period to 2,700 lb (1,225 kg), effective October 1, 1998. Fishers may not land the additional 900 lb (408 kg) over the initial September through October cumulative limit of 1,800 lb (816 kg) until after October 1, 1998 (October 16, 1998, for vessels in the "B" platoon).

The Council's final 1998 meeting will be in November, at which time the Council may wish to make further inseason adjustments to the limited entry, fixed gear sablefish cumulative limit. To allow for inseason action after its November meeting, the Council recommended removing the 2-month cumulative limit provision for limited entry fixed gear sablefish north of 36°00' N. lat. after October 31, 1998. Therefore, limited entry, fixed gear sablefish landings north of 36°00' N. lat. in the months of November and December will be managed under separate, 1-month

cumulative limits. Beginning November 1, 1998, sablefish landed in the limited entry, fixed gear fishery north of 36°00' N. lat. will be managed under a cumulative limit of 1,500 lb (680 kg) per month. The daily trip limit of 300 lb (136 kg) will not change.

Open Access Fishery

Widow rockfish. Currently, the open access fishery for widow rockfish is managed under a cumulative trip limit of 3,000 lb (1,361 kg) per vessel, per month. This limit was reduced from 15,000 lb (6,804 kg) on July 1, following the Council's June meeting, at which time the best available information indicated that the open access allocation of 158 mt would be reached some time between August and November 1998. At the September Council meeting, the best available information indicated that the open access allocation for widow rockfish had been reached on July 29. Therefore, at its September meeting, the Council recommended prohibiting all open access landings of widow rockfish coastwide at the beginning of the next cumulative trip limit period, 3 October 1, 1998. This prohibition applies to all open access gears, including exempted trawl fisheries.

Sebastes complex. Currently, the open access fishery for *Sebastes* complex species is managed with a cumulative limit of 33,000 lb (14,969 kg) coastwide per vessel, per month. Within the *Sebastes* complex, there are also individual cumulative trip or per trip limits for yellowtail rockfish, bocaccio, canary rockfish, and black rockfish. The best available information at the September Council meeting indicated that the 651 mt open access allocation for the *Sebastes* complex in the Vancouver-Columbia area (north of Cape Blanco, OR, 42°50' N. lat.) was reached on September 8, 1998. Therefore, the Council recommended prohibiting all open access landings of *Sebastes* complex species north of Cape Blanco after September 30, 1998. This prohibition applies to all open access gears, including exempted trawl fisheries. South of Cape Blanco and north of Cape Mendocino, open access trip limits for the *Sebastes* complex are unchanged.

Within the *Sebastes* complex, yellowtail rockfish has been managed with a cumulative limit of 6,500 lb (2,928 kg) per vessel, per month north of Cape Mendocino. The best available information at the September Council meeting indicated that the 299 mt open access allocation for yellowtail rockfish in the Vancouver-Columbia area was reached on August 10, 1998. The Council recommended prohibiting all

open access landings of yellowtail rockfish north of Cape Blanco after September 30, 1998. This prohibition applies to all open access gears, including exempted trawl fisheries. South of Cape Blanco and north of Cape Mendocino, open access trip limits for yellowtail rockfish are unchanged.

Also within the *Sebastes* complex, the open access monthly trip limit for canary rockfish at the beginning of 1998 was 7,500 lb (3,402 kg). At the June Council meeting, the Council noted that open access landings of canary rockfish were proceeding at an unusually rapid rate, and recommended curtailing those landings by setting a 200-lb (91-kg) monthly cumulative trip limit in place on July 1, 1998. The best available information at the September Council meeting indicated that the trip limit reduction had been made too late, and the open access fishery had achieved its 77 mt allocation for canary rockfish on July 4, 1998. As a result, the Council recommended prohibiting all open access landings of canary rockfish coastwide at the beginning of the next cumulative trip limit period, October 1, 1998. This prohibition applies to all open access gears, including exempted trawl fisheries.

Other rockfish. In making the above recommendations on rockfish closures, the Council acknowledged that open access fisheries could not continue to fish for other rockfish species (Pacific ocean perch and thornyheads in the exempted trawl fishery) north of Cape Blanco without resulting in unacceptable levels of incidental harvest and discard of the species the Council was trying to protect. The Council, therefore, recommended that all open access rockfish fisheries be closed north of Cape Blanco.

DTS complex. "DTS complex" means Dover sole, longspine thornyheads, shortspine thornyheads, and trawl-caught sablefish. Currently, the open access monthly cumulative limit for Dover sole is 11,000 lb (4,990 kg). Currently, thornyheads may not be landed north of Point Conception by open access fishers, except that fishers participating in the pink shrimp trawl fishery may land up to 100 lb (45 kg) of thornyheads per trip. Open access sablefish landings by exempted trawl, which are currently under a monthly cumulative limit of 3,000 lb (1,361 kg), are managed separately from open access sablefish landings by other gears. Open access limits on Dover sole and exempted trawl-caught sablefish have been set equal to limited entry cumulative monthly limits on those species. Therefore, on October 1, 1998, the Dover sole cumulative monthly limit

of 11,000 lb (4,990 kg) will increase to 18,000 lb (8,165 kg), and the monthly cumulative trip limit for trawl-caught sablefish of 3,000 lb (1,361 kg) will increase to 5,000 lb (2,268 kg).

Sablefish, except exempted trawl. Currently the open access sablefish fishery north of 36°00' N. lat. is managed with a 300-lb (136-kg) daily trip limit and a cumulative limit of 1,800 lb (816 kg) per 2-month period. The best available information at the September Council meeting indicated that the open access fishery for sablefish would not achieve its 278 mt allocation by the end of the year if the fishery were to continue at its current two-month cumulative limit of 1,800 lb (816 kg). For this reason, the Council recommended increasing the cumulative trip limit for the September through October period to 2,700 lb (1,225 kg), effective October 1, 1998. Fishers may not land the additional 900 lb (408 kg) over the initial September through October cumulative limit of 1,800 lb (816 kg) until after October 1, 1998 (October 16, 1998, for vessels in the "B" platoon). This limit matches the limited entry, nontrawl gear limit for sablefish and applies to all open access gears, except exempted trawl fisheries.

The Council's final 1998 meeting will be in November, at which time the Council may wish to make further inseason adjustments to the open access sablefish cumulative limit. To allow inseason action after its November meeting, the Council recommended removing the 2-month cumulative limit provision for sablefish landed by open access fishers north of 36°00' N. lat. after October 31, 1998. Therefore, open access landings of sablefish north of 36°00' N. lat. in the months of November and December will be managed under separate, 1-month cumulative limits. Beginning November 1, 1998, sablefish landed in the open access fishery north of 36°00' N. lat. will be managed under a cumulative limit of 1,500 lb (680 kg) per month. The daily trip limit of 300 lb (136 kg) will not change. This limit matches the limited entry, nontrawl gear limit for sablefish and applies to all open access gears, except exempted trawl fisheries.

Additional Changes to Annual Specifications

With this document, NMFS updates portions of the general definitions and provisions of the 1998 annual specifications and management measures (63 FR 419, January 6, 1998). These are minor housekeeping changes that update the definitions and provisions to reflect changes in codified groundfish regulations (50 CFR part

660) made since the initial publication of the 1998 annual specifications and management measures.

NMFS Action

For the reasons stated above, NMFS concurs with the Council's recommendations and announces the following changes to the 1998 annual management measures (63 FR 419, January 6, 1998, as further amended at 63 FR 24970, May 6, 1998; 63 FR 36612, July 7, 1998; and 63 FR 45966, August 28, 1998).

1. In Section IV., under A. *General Definitions and Provisions*, paragraphs (1)(c)(i), (1)(c)(ii), and (13) are revised, (16)(c), (d), (e), and (f) are renumbered respectively as, (16)(d), (e), (f), and (g), and a new (16)(c) is added to read as follows:

A. General Definitions and Provisions

* * * * *

(1) * * *

(c) * * *

(i) *Limited entry fishery.* On September 1, 1998, all limited entry periods became monthly cumulative limit periods, except for the fixed gear sablefish limited entry and open access fixed gear sablefish fisheries. These monthly cumulative limit periods are considered the "major" cumulative limit periods for purposes of restrictions to the frequency of limited entry permit transfers codified at 50 CFR 660.333(c)(1).

(ii) *Open access fishery.* Unless otherwise specified (as for sablefish north of 36° N. lat. and lingcod), cumulative trip limits in the open access fishery apply to 1-month periods.

* * * * *

(13) 50 CFR 660.306 (h), effective July 27, 1998, makes it unlawful for any person to "fail to sort, prior to the first weighing after off loading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or harvest guideline, if the vessel fished or landed in an area during a time when such trip limit, size limit, harvest guideline, or quota applied." This provision applies to both the limited entry and open access fisheries.

* * * * *

(16) * * *

(c) Cape Blanco, OR—42°50' N. lat.

* * * * *

2. In Section IV., under B. *Limited Entry Fishery*, paragraphs (1), (2)(b), (4)(c)(i), and (4)(d)(ii)(A) are revised to read as follows:

B. Limited Entry Fishery

(1) *Widow Rockfish* (commonly called brownies). The cumulative trip limit for widow rockfish is 19,000 lb (8,618 kg) per vessel, per month.

(2) * * *

(b) *Cumulative trip limits.* The monthly cumulative trip limit for the *Sebastes* complex is 20,000 lb (9,072 kg) per vessel north of Cape Mendocino, and 15,000 lb (6,804 kg) per vessel south of Cape Mendocino. Within the cumulative trip limit for the *Sebastes* complex: no more than 6,500 lb (2,948 kg) cumulative per month may be yellowtail rockfish taken and retained north of Cape Mendocino; no more than 1,000 lb (454 kg) cumulative per month may be bocaccio taken and retained south of Cape Mendocino, and; no more than 500 lb (227 kg) cumulative per month may be canary rockfish coastwide.

* * * * *

(4) * * *

(c) * * *

(i) The monthly cumulative trip limits for species in the Dover sole, thornyhead, and trawl-caught sablefish complex are: for Dover sole, 18,000 lb (8,165 kg); for longspine thornyheads, 7,500 lb (3,402 kg); for shortspine thornyheads, 1,500 lb (680 kg); for trawl-caught sablefish, 5,000 lb (2,268 kg).

* * * * *

(d) * * *

(ii) * * *

(A) The daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. is 300 lb (136 kg), which counts toward a cumulative trip limit of 2,700 lb (1,225 kg) during the September 1, 1998 through October 31, 1998 period. Beginning November 1, 1998, the 300 lb daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. counts toward a cumulative trip limit of 1,500 lb (680 kg) per month.

* * * * *

3. In Section IV., under *C. Trip Limits in the Open Access Fishery*, paragraphs (1)(a)(i), (1)(a)(ii), (1)(b)(i), (1)(c), (1)(d), (1)(e), (1)(e)(i), (1)(e)(ii)(A), (1)(e)(iii), (1)(e)(iv), (2)(a)(i), (2)(b), (4), (5), and (6) are revised to read as follows:

C. Trip Limits in the Open Access Fishery

* * * * *

(1) * * *

(a) * * *

(i) *North of Cape Blanco.* Rockfish may not be taken and retained, possessed or landed by any open access gear, including exempted trawl gear, north of Cape Blanco.

(ii) *South of Cape Blanco.* South of Cape Blanco the trip limit for rockfish taken with hook-and-line or pot gear is 10,000 lb (4,536 kg) per vessel per fishing trip. Rockfish taken under this trip limit count toward cumulative trip limits.

(b) * * *

(i) *North of Pt. Conception.*

Thornyheads (shortspine and longspine) may not be taken and retained, possessed, or landed north of Pt. Conception, except for a daily trip limit of 100 lb (45 kg) that applies to vessels engaged in fishing for pink shrimp south of Cape Blanco.

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(c) *Widow rockfish.* Widow rockfish may not be taken and retained, possessed, or landed by any open access gear, including exempted trawl gear, coastwide.

(d) *POP.* North of Cape Blanco, POP may not be taken and retained, possessed, or landed by any open access gear, including exempted trawl gear. South of Cape Blanco, the monthly cumulative limit for POP is 4,000 lb (1,814 kg).

(e) *Sebastes complex.* North of Cape Blanco, *Sebastes* complex species may not be taken and retained, possessed, or landed by any open access gear, including exempted trawl gear. The monthly cumulative limit south of Cape Blanco for the *Sebastes* complex is 33,000 lb (14,969 kg). The individual trip limits for species in the *Sebastes* complex in paragraph C.(1) are counted toward monthly limits for the *Sebastes* complex or rockfish, as applicable, and also apply to exempted trawl gear, unless otherwise specified.

(i) *Yellowtail rockfish.* North of Cape Blanco, yellowtail rockfish may not be taken and retained, possessed, or landed by any open access gear, including exempted trawl gear. South of Cape Blanco and north of Cape Mendocino, the monthly cumulative limit for yellowtail rockfish is 6,500 lb (2,948 kg).

(ii) * * *

(A) *All open access gear except setnets or trammel nets.* For all open access gear except setnets or trammel nets, bocaccio may not be taken and retained, possessed or landed north of Cape Blanco. South of Cape Mendocino, the monthly cumulative limit for bocaccio is 1,000 lb (454 kg), of which no more than 500 lb (227 kg) per trip may be taken and retained with hook-and-line or pot gear.

* * * * *

(iii) *Canary rockfish.* Canary rockfish may not be taken and retained, possessed or landed by any open access gear, including exempted trawl gear, coastwide.

(iv) *Black rockfish.* Black rockfish may not be taken and retained, possessed or landed by any open access gear, including exempted trawl gear, north of Cape Blanco.

(2) * * *

(a) * * *

(i) *North of 36°00' N. lat.* (A) 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 2,700 lb (1,225 kg) during the September 1, 1998 through October 31, 1998 period. (B) Beginning November 1, the 300 lb (136 kg) daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. counts toward a cumulative trip limit of 1,500 lb (680 kg) per month.

* * * * *

(b) *Exempted trawl gear.* The trawl-caught sablefish monthly limit of 5,000 lb (2,268 kg) applies to sablefish taken and retained with exempted trawl gear.

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(4) *Dover sole.* The monthly trip limit for Dover sole is 18,000 lb (8,165 kg), and applies to all open access gear.

(5) *Groundfish taken by shrimp or prawn trawl.* The daily trip limits, which count toward the trip limit for groundfish, are: For sablefish coastwide, 300 lb (136 kg); and for thornyheads south of Point Conception, 50 lb (23 kg). Limits and closures in paragraphs IV.C(1), C(2)(b), (3), and (4) also apply.

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(6) *Groundfish taken by California halibut or sea cucumber trawl.* The trip limit for a vessel participating in the California halibut fishery or in the sea cucumber fishery south of Point Arena, CA (38°57'30" N. lat.) is 500 lb (227 kg) of groundfish per vessel per fishing trip. The daily trip limits, which count toward the trip limit for groundfish, are: For sablefish, 300 lb (136 kg); and for thornyheads south of Point Conception, 50 lb (23 kg). The limits and closures in paragraphs IV.C(1), C(2)(b), (3), and (4) are in effect where applicable south of Point Arena.

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Classification

These actions are authorized by the regulations implementing the FMP. The determination to take these actions is based on the most recent data available. Because of the need for immediate action to implement these changes at the beginning of October 1998, and because the public had an opportunity to comment on the action at the September 1998 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: September 30, 1998.

Bruce Morehead,

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

[FR Doc. 98-26640 Filed 9-30-98; 4:15 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980429110-8110-01; I.D. 091198B]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Ocean Recreational Salmon Fisheries; Closure and Reopening; Queets River, Washington, to Cape Falcon, Oregon

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

ACTION: Closures and reopenings; request for comments.

SUMMARY: NMFS announces the closure of the ocean recreational salmon fishery from Queets River to Leadbetter Point, Washington, effective at midnight, August 16, 1998, and the reopening of the ocean recreational salmon fisheries from Queets River, Washington, to Cape Falcon, Oregon, for one day on September 3, 1998. The area from 0 to 3 miles (4.8 km) off shore that was previously closed to fishing in the subarea from Queets River to Leadbetter Point, Washington, opened for this one-day fishery. These actions were necessary to conform to the 1998 management measures and are intended to ensure conservation of coho and chinook salmon as well as to maximize the harvest of coho and chinook salmon without exceeding the ocean share allocated to the recreational fishery in these subareas.

DATES: Closure effective 2400 hours local time (l.t.), August 16, 1998. Partial reopening and rescission of closed area (Queets River to Leadbetter Point, Washington) effective 0001 hours l.t. until 2400 hours l.t., September 3, 1998. Comments will be accepted through October 19, 1998.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115-0070. 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: William L. Robinson, 206-526-6140.

SUPPLEMENTARY INFORMATION:

Regulations governing the ocean salmon fisheries at 50 CFR 660.409(a)(1) state that, when a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by an inseason action issued under 50 CFR 660.411, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

In the 1998 management measures for ocean salmon fisheries (63 FR 24973, May 6, 1998), NMFS announced that the recreational fishery in the area from Queets River to Leadbetter Point opened for all salmon on August 3, 1998, through the earlier of September 24, 1998, or 7,400 coho salmon subarea quota, with an inseason management guideline of 2,350 chinook salmon, and Leadbetter Point to Cape Falcon opened for all salmon on August 3, 1998, through the earlier of September 24, 1998, or 7,000 coho salmon subarea quota, with an inseason management guideline of 1,050 chinook salmon.

On August 14, 1998, the best available information indicated that the catch and effort data and projections supported closure from Queets River to Leadbetter Point, Washington at midnight, August 16, 1998, in order to prevent the catch in the subarea from exceeding its quota. The estimated catch for the recreational fishery in this subarea through August 13, 1998, was 5,843 fish compared to the 7,400 coho salmon quota. The projected catch for August 14-16, 1998, was 1,000-1,200 fish. The projected catch was close enough to the quota that all parties agreed not to add another day of fishing to capture the 100-500 coho salmon remaining in the quota because the weekend fishing effort on August 16, 1998, could have been higher than expected and could have exceeded the 7,400 fish quota. As of August 17, 1998, the estimated catch for the recreational fishery in this subarea through August 16, 1998, was 6,675 fish, with 725 coho salmon remaining in the quota.

As of August 11, 1998, the estimated catch through the August 9, 1998, weekend fishing effort on August 16, 1998, closure for Leadbetter Point, Washington, to Cape Falcon, Oregon, was 6,109 fish compared to the 7,000

coho salmon quota, with 962 coho remaining (63 FR 46701, September 2, 1998).

On August 17, 1998, the two subarea fisheries from Queets River, Washington, to Cape Falcon, Oregon, were reevaluated. The best available information indicated that the catch and effort data and projections supported reopening of these two ocean recreational fisheries for one day on Thursday, September 3, 1998, in order to maximize harvest within the quotas. The decision was based on the following: The slightly higher estimates of coho salmon left in each subarea's quota than had been projected when the areas were closed, the proposed additional fishing date not being on the weekend, the fact that the buoy 10 fishery would be closed at that time, and the fact that coho salmon catch rates typically decrease and chinook salmon catch rates increase later in the season. There are more chinook salmon available in the season catch guidelines compared to what is remaining in the coho salmon quota. Based on the above information, NMFS has concluded that the chances of exceeding each subarea's quota is low. The area from 0 to 3 miles (4.8 km) off shore that was previously closed to fishing in the subarea from Queets River to Leadbetter Point, Washington, will be opened for this one-day fishery. This will also tend to increase the chinook salmon catch rate, because chinook salmon are typically found closer to shore than coho salmon.

Reopenings of the fishery are authorized by 50 CFR 660.409(a)(2), and rescission of an area of closure is authorized by 50 CFR 660.409(b)(1)(v). The Regional Administrator consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fish and Wildlife, and the Oregon Department of Fish and Wildlife. The States of Washington and Oregon manage the recreational fisheries in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason action procedures of 50 CFR 660.411, actual notice to fishermen of these actions was given prior to 2400 hours l.t., August 16, 1998, for the closure, and prior to 0001 hours l.t., September 3, 1998, for the reopenings by telephone hotline number 206-526-6667 and 800-662-9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to manage the fishery to achieve but not exceed the quota, NMFS has determined that good cause exists for this action to be issued