

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

[Docket No. 981231333-8333; I.D. 062999D]

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

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces changes to trip limits in the Pacific Coast groundfish limited entry, fixed gear daily trip limit fishery for sablefish, and in the open access fisheries for sablefish and widow rockfish. These actions, which are authorized by the Pacific Coast groundfish fishery management plan (FMP), are intended to help the fisheries achieve optimum yield (OY).

DATES: Effective 0001 hours local time (l.t.) July 2, 1999, unless modified, superseded or rescinded, until the effective date of the 2000 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**. Comments on this rule will be accepted through July 23, 1999.

ADDRESSES: Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or Rodney McInnis, Acting 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.

SUPPLEMENTARY INFORMATION: The following changes to current management measures were recommended by the Pacific Fishery Management Council (Council), in consultation with the States of Washington, Oregon, and California, at its June 22 through 25, 1999, meeting in Portland, OR. All of the changes are increases to current cumulative trip limits. The adjusted trip limits are calculated to provide a year-long fishing opportunity. Pacific coast groundfish landings will be monitored throughout

the year, and further adjustments to the cumulative trip limits will be made as necessary.

Limited Entry, Fixed Gear Daily Trip Limit Fishery for Sablefish

Currently the limited entry, fixed gear (or "nontrawl") daily trip limit fishery for sablefish north of 36° N. lat. is managed with a 2-month cumulative trip limit of 2,400 lb (1,089 kg), which was set in place at the beginning of 1999 (64 FR 1316, January 8, 1999 as amended at 64 FR 16862, April 7, 1999). No more than 300 lb (136 kg) of sablefish may be landed per day.

The best available information at the June Council meeting indicated that 68 mt, (18 percent of the 379-mt set aside for the daily trip limit portion of the fishery and 15 percent of the 2,516 mt limited entry nontrawl sablefish allocation), had been landed through May 31, 1999. Fishers present at meetings of the Groundfish Management Team and Groundfish Advisory Panel indicated that this low rate of landings may be due to several factors, including poor winter weather, unusual La Nina ocean conditions, and fishers shifting effort to target higher-priced non-groundfish species. If the fishery were to continue under current landings limits, the fleet would not harvest the 379-mt of sablefish set aside for this fishery in 1999 and therefore, the fishery would not achieve OY. For this reason, the Council recommended that the current 2-month cumulative trip limit be increased to 4,200 lb (1,905 kg) for the period of July 1 through August 31, 1999. The Council further recommended converting the 2-month cumulative trip limits to monthly cumulative trip limits of 2,100 lb (953 kg), beginning September 1, 1999. Managing this fishery under monthly cumulative limit periods during the later portion of the year will give the Council greater flexibility, should it need to make inseason adjustments following its September and November meetings. [Note: The 2-month cumulative trip limit periods for sablefish caught in the limited entry, fixed gear fishery are not the same as for the limited entry trip limits for other species.]

Open Access Fisheries for Sablefish and Widow Rockfish

The open access fishery for sablefish north of 36° N. lat. is managed similarly to the limited entry, fixed gear daily trip limit fishery. A 300-lb (136 kg) daily limit, which counts toward a 2-month cumulative trip limit of 1,800 lb (816 kg), was established at the beginning of

1999 (64 FR 1316, January 8, 1999 as amended at 64 FR 16862, April 7, 1999).

The best available information at the June Council meeting indicated that 42 mt, or 10 percent of the 423-mt open access 1999 sablefish allocation, had been landed through May 31, 1999. The possible reasons for the low rates of landings in this fishery are similar to those for sablefish in the limited entry daily trip limit fishery. If the fishery were to continue under current landings limits, the open access fleet would not harvest its 423-mt sablefish allocation and, therefore, the fishery would not achieve OY. For this reason, the Council recommended that the current 2-month cumulative trip limit be increased to 3,000 lb (1,361 kg) for the period of July 1 through August 31, 1999. The Council further recommended converting the 2-month cumulative trip limits to monthly cumulative trip limits of 1,500 lb (680 kg), beginning September 1, 1999. Managing this fishery under monthly cumulative limit periods during the later portion of the year will give the Council greater flexibility, should it need to make inseason adjustments following its September or November meetings.

Widow Rockfish

Currently, the open access fishery for widow rockfish is managed with a 1-month cumulative trip limit of 2,000 lb (907 kg). The best available information at the June Council meeting indicated that the open access fishery had landed 15 mt, or 8 percent of its 184 mt widow rockfish allocation through May 31, 1999. If the fishery were to continue under the current widow rockfish cumulative monthly limit, it would not harvest its 1999 widow rockfish allocation by the end of the year and, therefore, the fishery would not achieve OY. The Council expected that raising the widow rockfish cumulative trip limit during summer months, when open access fishery participation is strongest, would increase the likelihood that the fishery would harvest its widow rockfish allocation before the end of the year. For this reason, the Council recommended increasing the open access widow rockfish monthly cumulative limit to 8,000 lb (3,629 kg), beginning July 1, 1999.

NMFS Action

For the reasons stated previously, NMFS concurs with the Council's recommendations and announces the following changes to the 1999 annual management measures (64 FR 1316, January 8, 1999) and as amended at 64 FR 16862, April 7, 1999). The annual

management measures are modified as follows:

1. In section IV, under B. *Limited Entry Fishery*, paragraph B.(6)(d)(ii)(A) is revised to read as follows:

B. Limited Entry Fishery

* * * * *

(6) * * *

(d) * * *

(ii) * * *

(A) *North of 36° N. lat.* The daily trip limit, which applies to sablefish of any size, is in effect north of 36° N. lat. until the closed periods before or after the regular season as specified at 50 CFR 660.323(a)(2), between the end of the regular season and the beginning of the mop-up season, and after the mop-up season. 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 4,200 lb (1,905 kg) per 2-month period (July 1 through August 31, 1999) except during the regular season. The 2-month periods in 1999 are: January 1–February 28, March 1–April 30, May 1–June 30, and July 1–August 31. Beginning September 1, the cumulative trip limit is converted from 2-month periods to 1-month periods, and the daily trip limit for sablefish taken and retained with nontrawl gear north of 36°00' N. lat. of 300 lb (136 kg) counts toward cumulative trip limit of 2,100 lb (953 kg) per calendar month except during the mop-up season.

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2. In section IV, under C. *Trip limits in the Open Access Fishery*, paragraphs C.(1)(b), C.(2)(a), C.(2)(a)(i), and C.(2)(b) are revised to read as follows:

C. Trip Limits in the Open Access Fishery

* * * * *

(1) * * *

(b) *Widow rockfish.* The cumulative monthly limit for widow rockfish coastwide is 8,000 lb (3,629 kg) per vessel.

* * * * *

(2) * * *

(a) *Hook-and-line, pot, setnet and trammel net.* The following trip limits apply to all open access gear, except for exempted trawl gear.

(i) *North of 36°00' N. lat.* 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 3,000 lb (1,361 kg) for the period of July 1 through August 31, 1999. Beginning September 1, the daily trip limit for sablefish counts toward a cumulative trip limit of 1,500 lb (680 kg) per calendar month.

(ii) * * *

(b) *Exempted trawl gear.* (i) *Sablefish taken by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumber with exempted trawl gear.* 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 1,800 lb (816 kg) per 2-month period. South of 36°00' N. lat., the daily trip limit for sablefish is 350 lb (159 kg) per day. [Note: All sablefish taken by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumber with exempted trawl gear may not exceed and counts against the 300 lb (136 kg) per trip limit for groundfish specified below at paragraph IV.C.(6).]

(ii) *Sablefish taken by vessels engaged in fishing for pink shrimp with exempted trawl gear.* North of 36°00' N. lat., the cumulative trip limit for sablefish is 1,800 lb (816 kg) per 2-month period. South of 36°00' N. lat., the daily trip limit for sablefish is 350 lb (159 kg) per day, which may not be multiplied by the number of days in the trip. [Note: All sablefish taken by vessels engaged in fishing for pink shrimp with exempted trawl gear may not exceed and counts against the 500 lb (227 kg) per day and 2,000 lb (907 kg) per trip limit for groundfish specified below at paragraph IV.C.(7).]

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Classification

These actions are authorized by the regulations implementing the FMP, and are based on the most recent data available. The aggregate data upon which these actions are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see **ADDRESSES**) during business hours.

NMFS finds good cause to waive the requirement to provide prior notice and an opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for comment would be impractical. It would be impractical because the cumulative trip limit period began July 2, 1999, and affording additional notice and opportunity for public comment would impede the due and timely execution of the agency's function of managing fisheries to achieve OY.

NMFS also finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), because such a delay would be contrary to the public interest. This action should be implemented at the beginning of the cumulative trip limit period to avoid confusion and maximize the potential

that fishers will harvest the allocation. For these reasons good cause exists to waive the 30-day delay in effectiveness.

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: July 1, 1999.

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 635

[I.D. 062599B]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna

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

ACTION: Inseason transfer.

SUMMARY: NMFS allocates 8 metric tons (mt) of the 1999 Atlantic bluefin tuna (BFT) Reserve to the Purse Seine category, creating a adjusted Purse Seine category quota of 260 mt and a adjusted Reserve quota of 35 mt for the 1999 fishing season. This action is being taken following input received by the Highly Migratory Species Advisory Panel (AP), as prescribed by management measures adopted in the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (FMP), and is consistent with the criteria for BFT quota transfers as specified in 50 CFR 635.27.

DATES: Effective July 2, 1999, until May 31, 2000.

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

SUPPLEMENTARY INFORMATION: Atlantic tunas are managed by the Secretary of Commerce under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Tunas Convention Act. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA. Within NMFS, daily responsibility for management of Atlantic Highly Migratory Species (HMS) fisheries rests with the Office of Sustainable Fisheries, and is