

changes must be made prior to conducting the next detonation.

#### **§ 216.154 Prohibitions.**

Notwithstanding takings authorized by § 216.151(b) and by a Letter of Authorization issued under § 216.106, the following activities are prohibited:

- (a) The taking of a marine mammal that is other than unintentional.
- (b) The violation of, or failure to comply with, the terms, conditions, and requirements of this part or a Letter of Authorization issued under § 216.106.
- (c) The incidental taking of any marine mammal of a species not specified in this subpart.

#### **§ 216.155 Requirements for monitoring and reporting.**

(a) The holder of the Letter of Authorization is required to cooperate with the National Marine Fisheries Service and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals. The holder must notify the appropriate Regional Director at least 2 weeks prior to activities involving the detonation of explosives in order to satisfy paragraph (f) of this section.

(b) The holder of the Letter of Authorization must designate qualified on-site individuals, as specified in the Letter of Authorization, to record the effects of explosives detonation on marine mammals that inhabit the Atlantic Ocean test area.

(c) The test area must be surveyed by marine mammal biologists and other trained individuals, and the marine mammal populations monitored, 48-72 hours prior to a scheduled detonation, on the day of detonation, and for a period of time specified in the Letter of Authorization after each detonation. Monitoring shall include, but not necessarily be limited to, aerial and acoustic surveillance sufficient to ensure that no marine mammals are within the designated safety zone nor are likely to enter the designated safety zone prior to or at the time of detonation.

(d) Under the direction of a certified marine mammal veterinarian, examination and recovery of any dead or injured marine mammals will be conducted. Necropsies will be performed and tissue samples taken from any dead animals. After completion of the necropsy, animals not retained for shoreside examination will be tagged and returned to the sea. The occurrence of live marine mammals will also be documented.

(e) Activities related to the monitoring described in paragraphs (c) and (d) of this section, or in the Letter of

Authorization issued under § 216.106, including the retention of marine mammals, may be conducted without the need for a separate scientific research permit. The use of retained marine mammals for scientific research other than shoreside examination must be authorized pursuant to subpart D of this part.

(f) In coordination and compliance with appropriate Navy regulations, at its discretion, the National Marine Fisheries Service may place an observer on any ship or aircraft involved in marine mammal reconnaissance, or monitoring either prior to, during, or after explosives detonation in order to monitor the impact on marine mammals.

(g) A final report must be submitted to the Director, Office of Protected Resources, no later than 120 days after completion of shock testing the USS WINSTON S. CHURCHILL. This report must contain the following information:

- (1) Date and time of all detonations conducted under the Letter of Authorization.
- (2) A description of all pre-detonation and post-detonation activities related to mitigating and monitoring the effects of explosives detonation on marine mammal populations.
- (3) Results of the monitoring program, including numbers by species/stock of any marine mammals noted injured or killed as a result of the detonation and numbers that may have been harassed due to presence within the designated safety zone.
- (4) Results of coordination with coastal marine mammal/sea turtle stranding networks.

#### **§ 216.156 Modifications to the Letter of Authorization.**

(a) In addition to complying with the provisions of § 216.106, except as provided in paragraph (b) of this section, no substantive modification, including withdrawal or suspension, to the Letter of Authorization issued pursuant to § 216.106 and subject to the provisions of this subpart shall be made until after notice and an opportunity for public comment.

(b) If the Assistant Administrator determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 216.151(b), or that significantly and detrimentally alters the scheduling of explosives detonation within the area specified in § 216.151(a), the Letter of Authorization issued pursuant to § 216.106 may be substantively modified without prior notification and an opportunity for public comment. Notification will be

published in the **Federal Register** subsequent to the action.

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## **DEPARTMENT OF COMMERCE**

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

#### **50 CFR Parts 600 and 660**

[Docket No. 001226367-0367-01; I.D. 121500E]

#### **Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Corrections; Trip Limit Adjustments**

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

**ACTION:** Trip limit adjustments; correction to the 2001 specifications; fishing restrictions for the Pacific Coast groundfish fishery; request for comments.

**SUMMARY:** NMFS announces changes in the following trip limits for the Pacific Coast groundfish fisheries north and south of 40°10' N. lat.: limited entry trawl for flatfish north, limited entry fixed gear and open access for minor nearshore rockfish north, open access for minor nearshore rockfish south, and open access for yellowtail rockfish taken with salmon troll gear. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) are intended to help the fisheries achieve optimum yield (OY) while protecting overfished and depleted stocks. This document also contains corrections relating to the lingcod and bocaccio OYs, which were initially announced in the annual specifications and management measures that were published on January 11, 2001.

**DATES:** Changes to management measures are effective 0001 hours (local time) May 1, 2001, unless modified, superseded, or rescinded. These changes are effective until the effective date of the 2002 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 May 21, 2001.

**ADDRESSES:** Submit comments to Donna Darm, Acting Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., Bldg. 1,

Seattle, WA 98115-0070; or Rebecca Lent, Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Yvonne deReynier or Becky Renko, 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 April 2-6, 2001, meeting in Sacramento, CA. Pacific Coast groundfish landings will be monitored throughout the year, and further adjustments to the trip limits will be made as necessary to stay within the OYs and allocations announced in the annual specifications and management measures for the groundfish fishery, published in the **Federal Register** at 66 FR 2338, (January 11, 2001), as amended at 66 FR 10211, (February 14, 2001), and at 66 FR 18409, (April 9, 2001).

#### **Limited Entry Trawl Gear Limits for Flatfish North of 40°10' N. Lat.**

A preliminary examination of trawl fleet tow locations from vessel logbook data for May to October 2000 indicates that the fleet has relocated arrowtooth flounder and other flatfish trawl activities away from areas of high canary bycatch. Based on this preliminary examination, the Council recommended increasing previously announced limits for flatfish other than Dover sole. The per month limit for all flatfish except Dover sole taken with a small footrope trawl gear for the May to October period was previously announced as 30,000 lb (13,608 kg). For the May to June period, the limit will be increased to a 50,000-lb (22,680 kg) per month limit for all flatfish except Dover sole, of which no more than 15,000 lb (6,804 kg) may be petrale sole and no more than 10,000 (4,536 kg) may be arrowtooth flounder. For the July to October period, the per month limit for all flatfish except Dover sole taken with a small footrope trawl gear will be 30,000 lb (13,608 kg) as previously announced.

With respect to the incidental catch of canary rockfish, this limit change is more conservative than the previously announced limit that allowed up to 30,000 lb (13,608 kg) of petrale sole or arrowtooth flounder to be landed. Trawl vessels are more likely to encounter canary rockfish when targeting petrale sole and arrowtooth flounder than other flatfish species. Lowering the limits for

petrale sole and arrowtooth flounder are expected to reduce opportunities for vessels to take canary rockfish.

The per trip limit for arrowtooth flounder taken with large footrope trawl gear during the January to April periods has been at 20,000 lb (9,072 kg) and was to be reduced to 5,000 lb (2,268 kg) for the May to October period. To provide additional opportunity to harvest arrowtooth flounder and to encourage the harvest of Dover sole on the slope during the month of May, the large footrope trawl allowance for arrowtooth flounder will be set at 15,000 lb (6,804 kg) per trip for May. For the June to October period, the arrowtooth flounder limit will be reduced to 5,000 lb (2,268 kg) per trip as previously announced.

#### **Limited Entry Fixed Gear and Open Access Minor Nearshore Rockfish North of 40°10' N. Lat.**

During the 2000 fishery, more than 50 percent of the available commercial allocations of northern minor nearshore rockfish went unharvested. The limited entry fleet took only 19 percent of its minor nearshore rockfish allocation in 2000, while the open access fishery took approximately 74 percent of its allocation. The best available information at the April Council meeting indicated that limited entry fisheries north of 40°10' N. lat. had landed 4.3 percent of the minor nearshore rockfish available to the fishery, and that open access fisheries had landed 6.6 percent of their minor nearshore rockfish allocation through February 2001.

Most limited entry fixed gear vessels tend to use open access vertical hook-and-line gear to catch these species, but when using open access gear, they are constrained by the lower open access limits. Operating under open access limits has slowed the pace of harvest by limited entry vessels. The current limited entry fixed gear limit for minor nearshore rockfish north is 10,000 lb (4,536 kg) per 2-month period, no more than 4,000 lb (1,814 kg) of which may be species other than black or blue rockfish. The current open access limit for minor nearshore rockfish north is 3,000 lb (1,361 kg) per 2-month period, no more than 900 lb (408 kg) of which may be species other than black or blue rockfish.

To provide greater access to the allowable harvest levels, the Council recommended applying similar limits to both the limited entry fixed gear and open access portions of the fishery. To provide benefits to both segments of the fishery, without adversely affecting either group, and to reduce the risk of an early open access closure, the

Council also recommended managing the limited entry and open access nearshore rockfish allocations collectively in 2001. For the May to December period, the limited entry fixed gear limit for minor nearshore rockfish north will be reduced to 7,000 lb (3,175 kg) per 2-month period, no more than 4,000 lb (1,814 kg) of which may be species other than black or blue rockfish. The current open access limit for minor nearshore rockfish north will be increased to 7,000 lb (3,175 kg) per 2-month period, no more than 900 lb (408 kg) of which may be species other than black or blue rockfish. Maintaining the current limits of species other than black or blue rockfish is intended to prevent excess harvest of species commonly associated with the live-fish fishery.

#### **Open Access Fishery for Minor Nearshore Rockfish South of 40°10' N. Lat.**

The best available information at the April Council meeting indicated that 24.4 percent of the open access minor nearshore rockfish allocation south of 40°10' N. lat. fishery had been taken through February 2001. To slow the pace of the fishery and to ensure an open season in late fall when the markets are most desirable, the Council recommended reducing the cumulative limits. The 2-month cumulative limit for the fishery south of 34° 27' N. lat. was previously announced as 1,800 lb (816 kg) for the March to December period. This limit will be reduced to 1,200 lb (544 kg) per 2 months. The 2-month cumulative limit for the fishery occurring between 40°10' N. lat. and 34° 27' N. lat. was previously announced as 1,800 lb (816 kg) shoreward of the 20 fathom depth contour for the May to June period. This limit will be reduced to 1,200 lb (544 kg) per 2 months shoreward of the 20 fathom depth contour for the May to June period; otherwise, this area is closed to nearshore rockfish until July 1, 2001. For the July to December period, the 2-month cumulative limit for the fishery occurring south of 40°10' N. lat. will be reduced from the previously announced 1,800 lb (816 kg) to 1,200 lb (544 kg).

#### **Open Access for Yellowtail Rockfish Taken With Salmon Troll Gear North of 40°10' N. Lat.**

During the April Council meeting, Washington State salmon troll fishers requested that the Council consider increased monthly limits for yellowtail rockfish taken in the open access fishery north of 40°10' N. lat. by vessels fishing for salmon with troll gear. Yellowtail rockfish is believed to be at 63 percent

of its unfished biomass, and is therefore considered to be a healthy stock. Management measures aimed at protecting canary rockfish, which are often caught in association with yellowtail rockfish, have reduced the catch opportunity for yellowtail rockfish. Therefore, a portion of the yellowtail rockfish allocation is expected to be unharvested during the 2001 fishing year, as was the case in 2000.

The open access 1-month cumulative limit for yellowtail rockfish north is 100 lb (45 kg) for the January to December period. Analysis of landings data from 1997 to 1999, when yellowtail rockfish trip limits were higher, shows that an average of 50–75 lb (22.08–35.02 kg) per trip of yellowtail rockfish were landed by salmon troll vessels. Although the vast majority of deliveries contained no yellowtail rockfish, many individual trips contained more than 100 lb (45 kg). Correlations between yellowtail and canary rockfish were also examined, and it was found that there was not a particularly strong correlation between the two species when taken with salmon troll gear.

To allow the open access yellowtail rockfish allocation to be fully utilized while still protecting canary rockfish, the Council recommended that a monthly cumulative limit of 300 lb (136 kg) be established specifically for the salmon troll fishery. If a vessel fishes with more than one open access gear type, then this limit cannot be added to the general 100 lb (45 kg) per month

open access limit. The Council believes that allowing existing yellowtail bycatch taken with salmon troll gear to b+e landed will not provide an additional incentive for salmon trollers to target yellowtail rockfish, thereby placing canary rockfish at a greater risk.

To prevent individuals who do not routinely catch much yellowtail rockfish with salmon from making trips to specifically target on yellowtail, vessels would be restricted from landing yellowtail (round weight) in amounts greater than one half the weight of the salmon (dressed weight) being landed.

#### **Corrections to Lingcod and Boccacio Specifications**

The 2001 fishery specifications and management measures for the Pacific Coast groundfish FMP were published in the **Federal Register** on January 11, 2001 (66 FR 2338). The specifications contained errors in the assumed discard rates for lingcod and boccacio that require correction. At the November 2000 Council meeting, the open access and limited entry landed catch targets for lingcod and boccacio that were presented to the Council did not include the discard deductions. The Council recommended that the oversight be corrected. A 16-percent discard adjustment will be made for boccacio and a 20-percent discard adjustment will be made for lingcod.

#### **Corrections**

In the annual specification and management measures published in the

**Federal Register** at 66 FR 2338 (January 11, 2001), make the following corrections:

1. On page 2343, Table 1a, in footnote b/, the last sentence is corrected to read as follows: "The assumed discard rate in the limited entry fishery is 20 percent, resulting in a limited entry landed catch target of 163 mt. The open access landed catch target remains at 48 mt."

2. On page 2345, Table 1a, in footnote n/, the last sentence is corrected to read as follows: "The assumed discard rate is 16 percent, resulting in a limited entry landed catch target of 24 mt and an open access landed catch target of 19 mt."

#### **NMFS Actions**

For the reasons stated here, NMFS concurs with the Council's recommendations and announces the following changes to the 2001 annual management measures (66 FR 2338, January 11, 2001, as amended at 66 FR 10211 February 14, 2001, and at 66 FR 18409 April 9, 2001) to read as follows:

1. In Section IV, under B. *Limited Entry Fishery* Tables 3 and 4 are revised; in Section IV, under C. *Trip Limits in the Open Access Fishery*, Table 5 is revised; and in Section IV, under C. paragraph(5) is revised to read as follows:

#### **IV. NMFS Actions**

##### **B. Limited Entry Fishery**

\* \* \* \* \*

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Table 3. 2001 Trip Limits <sup>1/</sup> and Gear Requirements <sup>2/</sup> for Limited Entry Trawl Gear

Read Section IV.A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	<b>Minor slope rockfish</b>						
2	North	1,500 lb/ 2 months		1,500 lb/ 2 months		1,500 lb/ 2 months	
3	South	14,000 lb/ 2 months		14,000 lb/ 2 months		14,000 lb/ 2 months	
4	<b>Splitnose - South</b>	8,500 lb/ 2 months		14,000 lb/ 2 months		4,000 lb/ 2 months	
5	<b>Pacific ocean perch<sup>5/</sup></b>	1,500 lb/ month		2,500 lb/ month		1,500 lb/ month	
6	<b>DTS complex - North</b>						
7	Sablefish	5,000 lb/ 2 months		14,000 lb/ 2 months		5,000 lb/ 2 months	
8	Longspine thornyhead	6,000 lb/ 2 months		6,000 lb/ 2 months		6,000 lb/ 2 months	
9	Shortspine thornyhead	1,500 lb/ 2 months		1,500 lb/ 2 months		1,500 lb/ 2 months	
10	Dover sole	65,000 lb/ 2 months		20,000 lb/ 2 months		20,000 lb/ 2 months	
11	<b>DTS complex - South</b>						
12	Sablefish	8,000 lb/ 2 months		11,000 lb/ 2 months		8,000 lb/ 2 months	
13	Longspine thornyhead	6,000 lb/ 2 months		6,000 lb/ 2 months		6,000 lb/ 2 months	
14	Shortspine thornyhead	1,500 lb/ 2 months		1,500 lb/ 2 months		1,500 lb/ 2 months	
15	Dover sole	35,000 lb/ 2 months		35,000 lb/ 2 months		35,000 lb/ 2 months	
16	<b>Flatfish - North</b>						
17	Arrowtooth flounder	20,000 lb/ trip		Small footrope: May and June 50,000 lb/ month for all flatfish except Dover sole of which no more than 15,000 lb may be petrale sole and 10,000 lb may be arrowtooth; July to October 30,000 lb/ month for all flatfish except Dover sole.  Large footrope: arrowtooth, 15,000 lb/trip for May and 5,000 lb/trip for June to October; petrale sole, prohibited; rex sole, included in all other flatfish; all other flatfish, 1,000 lb/ trip.		20,000 lb/ trip	
18	Petrale sole	No restriction				No restriction	
19	Rex sole	No limit				No limit	
20	All other flatfish <sup>3/</sup>	small footrope, no limit; large footrope, 1,000 lb/ trip				small footrope, no limit; large footrope, 1,000 lb/ trip	
21	<b>Flatfish - South</b>						
22	Arrowtooth flounder	20,000 lb/ trip		small footrope, no limit; large footrope, 5,000 lb/ trip		20,000 lb/ trip	
23	Petrale sole	No restriction		No limit (small footrope required)		No restriction	
24	Rex sole			No limit			
25	All other flatfish <sup>3/</sup>	small footrope, no limit; large footrope, 1,000 lb/ trip					
26	<b>Whiting shoreside <sup>4/</sup></b>	20,000 lb/ trip		Primary Season		20,000 lb/ trip	
27	<b>Use of small footrope bottom trawl<sup>5/</sup> or midwater trawl required for landing all of the following species:</b>						
28	<b>Minor shelf rockfish</b>						
29	North	300 lb/ month		1,000 lb/ month		300 lb/ month	
30	South	500 lb/ month		1,000 lb/ month		500 lb/ month	
31	<b>Canary rockfish</b>	100 lb/ month		300 lb/ month		100 lb/ month	
32	<b>Widow rockfish</b>						
33	mid-water trawl	20,000 lb/ 2 months		10,000 lb/ 2 months	20,000 lb/ 2 months	10,000 lb/ 2 months	
34	small footrope trawl			1,000 lb/ month			
35	<b>Yellowtail - North<sup>6/</sup></b>						
36	mid-water trawl	30,000 lb/ 2 months		15,000 lb/ 2 months		20,000 lb/ 2 months	
37	small footrope trawl	Without flatfish, 1,500 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 2,500 lb/ trip and 30,000 lb/ 2 months.		Without flatfish, 1,500 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 7,500 lb/ trip and not to exceed 15,000 lb/ 2 months.		Without flatfish, 1,500 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 2,500 lb/ trip and 20,000 lb/ 2 months.	
38	<b>Bocaccio - South<sup>6/</sup></b>	300 lb/ month		500 lb/ month		300 lb/ month	
39	<b>Chilipepper - South<sup>6/</sup></b>						
40	mid-water trawl			25,000 lb/ 2 months			
41	small footrope trawl			7,500 lb/ 2 months			
42	<b>Cowcod</b>			<b>Retention is Prohibited</b>			
43	<b>Minor nearshore rockfish</b>						
44	North			200 lb/ month			
45	South			200 lb/ month			
46	<b>Lingcod<sup>7/</sup></b>	No retention		400 lb/ month		No retention	

<sup>1/</sup> Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border.

"South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.

<sup>2/</sup> Gear requirements and prohibitions are explained at paragraph IV.A.(14)<sup>3/</sup> "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with a trip limit.<sup>4/</sup> The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. See IV.B.(3)(c).

The 20,000 lb/ trip limit applies before and after the primary season.

<sup>5/</sup> Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter.

Midwater gear also may be used; the footrope must be bare. See paragraph IV.A. (14).

<sup>6/</sup> Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).<sup>7/</sup> The size limit for lingcod is 24 inches (61 cm) total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4. 2001 Trip Limits<sup>1/</sup> for Limited Entry Fixed Gear

Read Section IV.A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	Minor slope rockfish						
2	North	1,500 lb/ 2 months		1,500 lb/ 2 months			1,500 lb/ 2 months
3	South	14,000 lb/ 2 months		14,000 lb/ 2 months			14,000 lb/ 2 months
4	Splitnose - South	8,500 lb/ 2 months		14,000 lb/ 2 months			4,000 lb/ 2 months
5	Pacific ocean perch 5/	1,500 lb/ month		2,500 lb/ month			1,500 lb/ month
6	Sablefish						
7	North of 36° N. lat.	300 lb/ day, 2,700 lb/ 2 months					
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
9	Longspine thornyhead	6,000 lb/ 2 months		6,000 lb/ 2 months			6,000 lb/ 2 months
10	Shortspine thornyhead	1,500 lb/ 2 months		1,500 lb/ 2 months			1,500 lb/ 2 months
11	Dover sole						
12	North	65,000 lb/ 2 months		20,000 lb/ 2 months			20,000 lb/ 2 months
13	South	35,000 lb/ 2 months		35,000 lb/ 2 months			35,000 lb/ 2 months
14	Flatfish - North						
15	Arrowtooth flounder	20,000 lb/ trip		30,000 lb/ month for all flatfish except Dover sole			20,000 lb/ trip
16	Petrale sole	No restriction					No restriction
17	Rex sole	No limit					No limit
18	All other flatfish 2/	No limit					No limit
19	Flatfish - South						
20	Arrowtooth flounder	20,000 lb/ trip		No limit			20,000 lb/ trip
21	Petrale sole			No limit			
22	Rex sole			No limit			
23	All other flatfish 2/			No limit			
24	Whiting 3/	20,000 lb/ trip		Primary Season			20,000 lb/ trip
25	Minor shelf rockfish						
26	North	300 lb/ month		1,000 lb/ month			300 lb/ month
27	South						
28	40°10' - 34°27' N. lat.	500 lb/ month		CLOSED 4/	1,000 lb/ month		500 lb/ month
29	South of 34°27' N. lat.	CLOSED 4/		500 lb/ month			
30	Canary rockfish						
31	North	100 lb/ month		300 lb/ month			100 lb/ month
32	South						
33	40°10' - 34°27' N. lat.	100 lb/ month		CLOSED 4/	300 lb/ month		100 lb/ month
34	South of 34°27' N. lat.	CLOSED 4/		100 lb/ month			
35	Widow rockfish						
36	North	3,000 lb/ month					
37	South						
38	40°10' - 34°27' N. lat.	3,000 lb/ month		CLOSED 4/	3,000 lb/ month		
39	South of 34°27' N. lat.	CLOSED 4/		3,000 lb/ month			
40	Yellowtail - North 5/	1,500 lb/ month					
41	Bocaccio - South 5/						
42	40°10' - 34°27' N. lat.	300 lb/ month		CLOSED 4/	500 lb/ month		300 lb/ month
43	South of 34°27' N. lat.	CLOSED 4/		300 lb/ month			
44	Chilipepper - South 5/						
45	40°10' - 34°27' N. lat.	2,500 lb/ month		CLOSED 4/	2,500 lb/ month		2,500 lb/ month
46	South of 34°27' N. lat.	CLOSED 4/		2,500 lb/ month			
47	Cowcod	CLOSED 4/ -- All Retention is Prohibited					
48	Minor nearshore rockfish						
49	North	10,000 lb/ 2 months, no more than 4,000 lb of which may be species other than black or blue rockfish 6/		7,000 lb/ 2 months, no more than 4,000 lb of which may be species other than black or blue rockfish 6/			
50	South						
51	40°10' - 34°27' N. lat.	2,000 lb/ 2 months	CLOSED 4/	Shoreward of 20 fm depth: 2,000 lb/ 2 months, otherwise CLOSED 4/	2,000 lb/ 2 months		
52	South of 34°27' N. lat.	Shoreward of 20 fm depth: 2,000 lb/ 2 months, otherwise CLOSED 4/	2,000 lb/ 2 months				
53	Lingcod 7/						
54	North	CLOSED 4/		400 lb/ month			CLOSED 4/
55	South						
56	40°10' - 34°27' N. lat.	CLOSED 4/			400 lb/ month		CLOSED 4/
57	South of 34°27' N. lat.	CLOSED 4/		400 lb/ month			CLOSED 4/

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border.

"South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.

3/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. See IV.B.(3)(c).

4/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).

in the time or area indicated. See IV.A.(7).

5/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are

included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).

6/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

7/ The size limit for lingcod is 24 inches (61 cm) in the north, and 26 inches (66 cm) in the south, total length

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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# C. Trip limits in the Open Access Fishery

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Table 5. 2001 Trip Limits<sup>1/</sup> for Open Access Gears

Read Section IV.A. NMFS Actions before using this table.

Exceptions for exempted gears at Section IV.C.

Line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	Minor slope rockfish						
2	North			500 lb/ 2 months			
3	South			5,000 lb/ 2 months			
4	Splitnose - South			200 lb/ month			
5	Pacific ocean perch 4/			100 lb/ month			
6	Sablefish						
7	North of 36° N. lat.			300 lb/ day, 2,700 lb/ 2 months			
8	South of 36° N. lat.			350 lb/ day			
9	Thornyheads (longspine and shortspine combined)						
10	North of 34°27' N. lat.			CLOSED 3/ -- Retention is Prohibited			
11	South of 34°27' N. lat.			50 lb/ day, no more than 2,000 lb/ 2 months			
12	Arrowtooth			200 lb/ month			
13	Dover sole			(included in "other" flatfish limit)			
14	Petrale sole			(included in "other" flatfish limit)			
15	Nearshore flatfish			(included in "other" flatfish limit)			
16	"Other" flatfish 2/			300 lb/ month			
17	Whiting			300 lb/ month			
18	Minor shelf rockfish						
19	North			100 lb/ month			
20	South						
21	40°10' - 34°27' N. lat.	200 lb/ month		CLOSED 3/		200 lb/ month	
22	South of 34°27' N. lat.	CLOSED 3/		200 lb/ month			
23	Canary rockfish						
24	North			50 lb/ month			
25	South						
26	40°10' - 34°27' N. lat.	50 lb/ month		CLOSED 3/		50 lb/ month	
27	South of 34°27' N. lat.	CLOSED 3/		50 lb/ month			
28	Widow rockfish						
29	North			3,000 lb/ month			
30	South						
31	40°10' - 34°27' N. lat.	3,000 lb/ month		CLOSED 3/		3,000 lb/month	
32	South of 34°27' N. lat.	CLOSED 3/		3,000 lb/ month			
33	Yellowtail - North 4/ 8/			100 lb/ month			
34	Bocaccio - South 4/						
35	40°10' - 34°27' N. lat.	200 lb/ month		CLOSED 3/		200 lb/ month	
36	South of 34°27' N. lat.	CLOSED 3/		200 lb/ month			
37	Chilipepper - South 4/						
38	40°10' - 34°27' N. lat.	2,500 lb/ month		CLOSED 3/		2,500 lb/ month	
39	South of 34°27' N. lat.	CLOSED 3/		2,500 lb/ month			
40	Cowcod			CLOSED 3/ -- Retention is Prohibited			
41	Minor nearshore rockfish						
42	North 6/	3,000 lb/ 2 months, no more than 900 lb of which may be species other than black or blue rockfish 5/		7,000 lb/ 2 months, no more than 900 lb of which may be species other than black or blue rockfish 5/			
43	South						
44	40°10' - 34°27' N. lat.	1,800 lb/ 2 months	CLOSED 3/	Shoreward of 20 ftn depth: 1,200 lb/ 2 months, otherwise CLOSED 3/		1,200 lb/ 2 months	
45	South of 34°27' N. lat.	Shoreward of 20 ftn depth: 1,800 lb/ 2 months, otherwise CLOSED 3/	1,800 lb/ 2 months	1,200 lb/ 2 months			
46	Lingcod 7/						
47	North	CLOSED 3/		400 lb/ month		CLOSED 3/	
48	South						
49	40°10' - 34°27' N. lat.	CLOSED 3/		400 lb/ month		CLOSED 3/	
50	South of 34°27' N. lat.	CLOSED 3/		400 lb/ month		CLOSED 3/	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N lat to the U.S. - Canada border

"South" means 40°10' N lat to the U.S.-Mexico border. 40°10' N lat is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.

3/ Closed means that it is prohibited to take, retain, possess, or land the designated species in the time or area indicated. (See IV.A. (7).)

4/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).

5/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

6/ See IV.C.(4) for limits specific to Pacific City, Oregon.

7/ The size limit for lingcod is 24 inches (61 cm) in the north, and 26 inches (66 cm) in the south, total length.

8/ See IV.C.(5) for limits specific to the salmon troll fishery.

\* \* \* \* \*

(5) *Groundfish taken with troll gear by vessels engaged in fishing for salmon north of 40° 10' N. lat.*(a) The cumulative limit for yellowtail rockfish in the open access fishery is 100 lb (45 kg) per month. If a vessel has reached its 100 lb (45 kg) yellowtail cumulative limit, up to 200 lb (91 kg) per month of additional yellowtail rockfish may be taken and retained, possessed or landed, providing the following conditions are met: in any trip in which salmon troll gear, as defined at 50 CFR 660.402, is used to take and land yellowtail rockfish and, no more than one lb (.45 kg) of yellowtail rockfish (round weight) is landed for every two lbs (.91 kg) of salmon landed (dressed weight). Dressed weight for purposes of this paragraph is the weight of salmon that is recorded on the State fish ticket and is salmon with the entrails removed, from which the head and gills may or may not have been removed.

(b) The trip limits in Table 5 apply to all other groundfish taken with troll gear by vessels fishing for salmon.

\* \* \* \* \*

#### Classification

These actions are authorized by the regulations implementing the FMP and the annual specifications and management measures published at 66 FR 2369 (January 11, 2001) and are based on the most recent data available.

NMFS finds good cause to waive the requirement to provide prior notice and comment on this action pursuant to 5 U.S.C. 553(b)(B), because providing prior notice and opportunity for comment would be impracticable. It would be impracticable because the cumulative limit period begins on May 1, 2001, 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. Increases to trip limits relieve burdens on the public and decreases to trip limits must be implemented in a timely manner to stretch the season as long as possible through the year. In addition, the affected public had the opportunity to comment on these actions at the April 2–6, 2001 Council meeting. This action should be implemented before the beginning of the cumulative trip limit period to avoid confusion and to provide fishers the opportunity to achieve the trip limits. For these reasons, good cause also exists to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

These actions are taken under the authority of 50 CFR 660.323(b)(1), and are exempt from review under Executive Order 12866.

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

**Dated:** April 30, 2001.

**Bruce C. Morehead,**

*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 648

[Docket No. 010319071–1103–02; I.D. 030101H]

**RIN 0648–AN71**

#### Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2001 Specifications

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

**ACTION:** Final rule; final specifications.

**SUMMARY:** NMFS issues final specifications for the 2001 spiny dogfish fishery (May 1, 2001, through April 30, 2002). This final rule establishes a commercial quota and possession limits for the 2001 fishing year to address overfishing of the spiny dogfish resource. In addition, the current trip limits are modified to be possession limits, specified as the maximum amount allowed to be landed within any one 24-hour period (per-calendar-day possession limit). The intent of this action is to comply with implementing regulations for the Fishery Management Plan for the Spiny Dogfish Fishery (FMP), which require NMFS to impose measures for each upcoming fishing year that will prevent overfishing of this fishery.

**DATES:** The 2001 annual commercial quota is effective from May 1, 2001, to April 30, 2002. The amendments to §§ 648.14(aa)(7), 648.230(d)(1), 648.235(a), and 648.235(b) are effective May 1, 2001.

**ADDRESSES:** Copies of supporting documents used by the Spiny Dogfish Monitoring Committee (Monitoring Committee), the Regulatory Impact Review (RIR), the Final Regulatory Flexibility Analysis (FRFA) contained within the RIR, and the Environmental Assessment (EA) are available from the Northeast Regional Office, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298. The EA/RIR/FRFA is also

accessible via the Internet at <http://www.nero.gov/ro/doc/nr.htm>.

#### FOR FURTHER INFORMATION CONTACT:

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#### SUPPLEMENTARY INFORMATION:

A proposed rule for this action was published in the **Federal Register** on March 30, 2001, (66 FR 17391). The comment period closed on April 14, 2001.

#### Background

The FMP was developed jointly by the Mid-Atlantic Fishery Management Council (MAFMC) and the New England Fishery Management Council (NEFMC) (Councils). The implementing regulations for the FMP are found at 50 CFR part 648, subpart L.

Pursuant to 50 CFR 648.230, the Administrator, Northeast Region, NMFS (Regional Administrator), imposes measures for each fishing year designed to ensure that the target fishing mortality rate (F) for the fishing year, as specified in the FMP, is not exceeded. The target F for fishing year 2001 and the management measures (i.e., semi-annual commercial quota and possession limits) for that year are summarized here. Detailed background information regarding the development of the specifications for the 2001 spiny dogfish fishing year was provided in the preamble to the proposed specifications (66 FR 17391, March 30, 2001) and is not repeated here.

#### Annual Commercial Quota

The FMP specifies a target F of 0.03 for 2001, to be attained through a commercial quota and possibly other management measures. This final rule establishes a 2001 fishing year commercial quota of 4 million lb (1.81 million kg), allocated on a semi-annual basis as follows: Quota Period 1 (May 1–October 31) is allocated 57.9 percent of the 4-million lb (1.81-million kg) quota, or 2,316,000 lb (1,050,512 kg); Quota Period 2 (November 1–April 30) is allocated 42.1 percent of the 4-million lb (1.81-million kg) quota, or 1,684,000 lb (763,849 kg). This commercial quota was recommended by the Spiny Dogfish Monitoring Committee (Monitoring Committee) to achieve the target F of 0.03, as required in the FMP for the 2001 fishing year. Although the Monitoring Committee and the Councils also recommended that an additional 500,000 lb (226,796 kg) be allocated for experimental fishing projects, the FMP and its implementing regulations do not contain a provision to allow for the allocation of such a set-aside quota for