

**§ 660.370 Overfished species rebuilding plans.**

(a) *Canary rockfish*. The target year for rebuilding the canary rockfish stock to  $B_{MSY}$  is 2074. The harvest control rule to be used to rebuild the canary rockfish stock is an annual harvest rate of  $F=0.022$ .

(b) *Darkblotched rockfish*. The target year for rebuilding the darkblotched rockfish stock to  $B_{MSY}$  is 2030. The harvest control rule to be used to rebuild the darkblotched rockfish stock is an annual harvest rate of  $F=0.032$ .

(c) *Lingcod*. The target year for rebuilding the lingcod stock to  $B_{MSY}$  is 2009. The harvest control rule to be used to rebuild the lingcod stock is an annual harvest rate of  $F=0.0531$  in the area north of  $40^{\circ}10' N$ . lat. and  $F=0.061$  for the area south of  $40^{\circ}10' N$ . lat.

(d) *Pacific ocean perch (POP)*. The target year for rebuilding the POP stock to  $B_{MSY}$  is 2027. The harvest control rule to be used to rebuild the POP stock is an annual harvest rate of  $F=0.0257$ .

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 031124287-4060-02; I.D. 040604B]

**Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Plaice in the Bering Sea and Aleutian Islands**

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

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Alaska plaice in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2004 total allowable catch (TAC) of Alaska plaice in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), April 10, 2004, until 2400 hrs, A.l.t., December 31, 2004.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2004 TAC specified for Alaska plaice in the BSAI is 9,250 metric tons (mt) as established by the 2004 harvest specifications for groundfish of the BSAI (69 FR 9242, February 27, 2004).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2004 TAC specified for Alaska plaice will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 6,250 mt, and is setting aside the remaining 3,000 mt as bycatch to support other anticipated groundfish

fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Alaska plaice in the BSAI.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent the Agency from responding to the most recent fisheries data in a timely fashion and would delay the closure of Alaska plaice fishery in the BSAI.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: April 7, 2004.

**Alan D. Risenhoover,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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