

**ACTION:** Modification of fishing season and quota; request for comments.

**SUMMARY:** NMFS announces that the commercial salmon fishery in the area from Cape Falcon, OR to U.S.-Canada border was modified such that the season was open from Friday, September 8, 2006, through Friday, September 15, 2006, with a modified landing and possession limit for the open period of 160 Chinook and 80 marked coho. This action was necessary to conform to the 2006 management goals, with the intended effect of allowing the fishery to operate within the seasons and quotas specified in the 2006, annual management measures.

**DATES:** The modification of season and quota was effective 0001 hours local time (l.t.), September 8, 2006, through 2359 hours l.t., September 15, 2006, or until the Chinook or coho quotas were taken, whichever was earlier. After this time the fishery will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2006 annual management measures. Comments will be accepted through October 12, 2006.

**ADDRESSES:** Comments on this action must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376. Comments can also be submitted via e-mail to [2006salmonIA9.nwr@noaa.gov](mailto:2006salmonIA9.nwr@noaa.gov) or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include [060427113-6113-01 and/or I.D. 092106B] in the subject line of the message. 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:** Sarah McAvinchey, 206-526-4323.

**SUPPLEMENTARY INFORMATION:** In the 2006 annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), NMFS announced the commercial fisheries in the area from the U.S.-Canada Border to Cape Falcon, Oregon. The fishery was open July 15 through the earlier of September 15 or an 11,550-preseason Chinook guideline or a 6,800-marked coho quota; the Cape Flattery and Columbia Control Zones was closed; open Saturday through Tuesday July 15 through August 1; fishing was open for all salmon; landing

and possession limit of 35 Chinook and 35 marked coho per vessel per 4-day open period; open August 5 through September 15; Saturday through Monday; all salmon except no chum retention north of Cape Alava, WA, in August and September; landing and possession limit of 30 Chinook and 40 marked coho per vessel per 3-day open period, gear restricted to 6 inch (15.24 cm) plugs or longer. Previous inseason actions had modified this area such that the fishery was open 4 days per week, Saturday through Tuesday, beginning August 19 with an 80 Chinook landing and possession limit, and the 6 inch (15.24 cm) plug gear restriction was eliminated.

On September 6, 2006, the Regional Administrator (RA) consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife and Oregon Department of Fish and Wildlife. Information related to catch to date, the Chinook and coho catch rates, and effort data indicated that the catch was less than anticipated preseason and that provisions designed to slow the catch of Chinook could be modified. As a result, the State of Washington recommended, and the Regional Administrator concurred, that the area from the U.S.-Canada Border to Cape Falcon, OR would be open from September 8 through September 15 with a landing and possession limit of 160 Chinook and 80 marked coho. All other restrictions that apply to this fishery remained in effect as announced in the 2006 annual management measures and previous inseason actions.

The Regional Administrator determined that the best available information indicated that the catch and effort data supported the above inseason action recommended by the state. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the above described action was given prior to the time the action was effective 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.

This action does not apply to other fisheries that may be operating in other areas.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice

and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of this action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agency had insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data were collected to determine the extent of the fisheries, and the time the fishery closure had to be implemented to avoid exceeding the quota. Because of the rate of harvest in this fishery, failure to modify the fishing schedule would have allowed the quota to be further exceeded, resulting in fewer spawning fish and possibly reduced yield of the stocks in the future. For the same reasons, the AA also found good cause to waive the 30-day delay in effectiveness required under U.S.C. 553(d)(3).

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: September 22, 2006.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 060427113-6113-01; I.D.092006D]

#### Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #4 – Adjustments of the Recreational Fishery from U.S.-Canada Border, to Cape Falcon, Oregon

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

**ACTION:** Modification of fishing seasons; request for comments.

**SUMMARY:** NMFS announced that the recreational fishery from the U.S.-Canada Border, to Cape Falcon, OR was modified, effective Friday, August 11, 2006, in the following subareas: the La Push, Westport, and Columbia River Subarea's were open seven days per week, with a modified daily bag limit as follows: All salmon, two fish per day. The Neah Bay Subarea was open seven days per week with a modified daily bag limit as follows: All salmon, two fish per day, except no chum retention through September 17, 2006. All other restrictions remained in effect as announced for 2006 Ocean Salmon Fisheries. This action was necessary to conform to the 2006 management goals, and the intended effect was to allow the fishery to operate within the seasons and quotas specified in the 2006 annual management measures.

**DATES:** The modification of fishing days and daily bag limit was effective 0001 hours local time (l.t.), Friday, August 11, 2006, in the La Push, Westport, and Neah Bay Subarea's until the Chinook quotas or coho quotas are taken, or 2359 hours l.t., September 17, 2005, whichever is earlier. Effective 0001 hours local time (l.t.), Friday, August 11, 2006, in the Columbia River Subarea until the Chinook quota or coho quota is taken, or 2359 hours l.t., September 30, 2006, whichever is earlier; after which the fisheries remained closed until opened through an additional inseason action for the west coast salmon fisheries, which would be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2006 annual management measures.

Comments will be accepted through October 12, 2006.

**ADDRESSES:** Comments on these actions must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376. Comments can also be submitted via e-mail at the [2006salmonIA4.nwr@noaa.gov](mailto:2006salmonIA4.nwr@noaa.gov) address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include the docket number 060427113-6113-01 and/or I.D. 092006D] in the subject line of the message. 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:** Sarah McAvinchey, 206-526-4323.

**SUPPLEMENTARY INFORMATION:** In the 2006 annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), NMFS announced the recreational fisheries: the area from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea) opened June 30 through the earlier of September 17 or a 7,058-marked coho subarea quota with a subarea guideline of 3,200 Chinook; the area from Cape Alava to Queets River, WA (La Push Subarea) opened June 30 through the earlier of September 17 or a 1,889-marked coho subarea quota with a subarea guideline of 1,300 Chinook; the area from Queets River to Leadbetter Point, WA (Westport Subarea) opened July 3 through the earlier of September 17 or a 27,603-marked coho subarea quota with a subarea guideline of 18,100 Chinook; the area from Leadbetter Point, WA to Cape Falcon, OR (Columbia River Subarea) opened July 3 through the earlier of September 30 or a 36,600 marked coho subarea quota with a subarea guideline of 8,300 Chinook. The Neah Bay and La Push Subareas were open Tuesday through Saturday, and the Westport and Columbia River Subareas were open Sunday through Thursday. All subareas were restricted to a Chinook minimum size limit of 24 inches (61.0 cm) total length. In addition, the subarea bag limits were for all salmon, two fish per day, no more than one of which may be a Chinook, with all retained coho required to have a healed adipose fin clip, and the Neah Bay subarea had a no chum retention requirement from August 1 through September 17.

On July 24, 2006, the RA consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife by conference call. Information related to catch to date, the Chinook and coho catch rates, and effort data indicated that the catch was less than anticipated preseason and that provisions designed to slow the catch of Chinook could be modified, by relaxing the bag limits and fishing days per calendar provisions. As a result, on July 24, 2006, the states recommended, and the RA concurred, that effective Friday, August 11, 2006, the La Push, Westport, and Columbia River Subarea's would be open seven days per week, with a modified daily bag limit as follows: All salmon, two fish per day. The RA also concurred that the Neah Bay Subarea would be open seven days per week with a modified daily bag limit as follows: All salmon, two fish per day, except no chum retention through

September 17, 2006. All other restrictions remained in effect as announced for 2006 Ocean Salmon Fisheries. These actions were necessary to conform to the 2006 management goals, and the intended effect was to allow the fishery to operate within the seasons and quotas specified in the 2006 annual management measures.

Modification in recreational bag limits and recreational fishing days per calendar week is authorized by regulations at 50 CFR 660.409(b)(1)(iii).

The Regional Administrator, (RA) determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason actions recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the already described regulatory actions were given, prior to the date the action was effective, 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. These actions do not apply to other fisheries that may be operating in other areas.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory actions were provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan (50 CFR 660.409 and 660.411). Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data were collected to determine the extent of the fisheries, and the time the fishery modifications had to be implemented in order to allow fishers access to the available fish at the time the fish were available. The AA also finds good cause to waive the 30-day delay in effectiveness required under U.S.C. 553(d)(3), as a delay in effectiveness of

these actions would limit fishers appropriately controlled access to available fish during the scheduled fishing season by unnecessarily maintaining two restrictions. These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

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

Dated: September 22, 2006.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 060427113-6113-01; I.D. 092106E]

#### Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 – Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon

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

**ACTION:** Modification of fishing seasons; request for comments.

**SUMMARY:** NMFS announces that the commercial salmon fishery in the area from the U.S.-Canada Border to Cape Falcon, OR, was modified such that the fishery did not reopen on June 17, 2006, as scheduled and remained closed through Monday, June 26, 2006. The fishery then reopened on June 27 through midnight June 30, 2006, with a 20-Chinook per vessel possession and landing limit for the four day open period. On June 15, 2006, NMFS determined that available catch and effort data indicated that the quota of 22,450 Chinook salmon for May and June would be exceeded unless modified by inseason action. This action was necessary to conform to the 2006 management goals.

**DATES:** Closure effective 2359 hours local time (l.t.), June 17, 2006, after which the fishery remained closed through Monday, June 26, 2006. The fishery then reopened as scheduled on Tuesday, June 27, 2006 through 2359 hours local time (l.t.) June 30, 2006. The fishery was then again closed until the

effective date of the next scheduled open period announced in the 2006 annual management measures. Comments will be accepted through October 12, 2006.

**ADDRESSES:** Comments on this action must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376; or Rod McInnis, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments can also be submitted via e-mail at the 2006salmonIA3.nwr@noaa.gov address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include [060427113-6113-01 and/or I.D. 092106E] in the subject line of the message. 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:** Sarah McAvinchey, 206-526-4323.

**SUPPLEMENTARY INFORMATION:** In the 2006 annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), NMFS announced the commercial salmon fishery in the area from the U.S.-Canada Border to Cape Falcon, OR, would open May 1 through earlier of June 30 or a 22,450 Chinook quota; open May 1-2 with a 75 Chinook per vessel landing and possession limit for the 2-day open period; beginning May 6, open Saturday through Tuesday with an 80-Chinook per vessel possession and landing limit for each 4-day open period. If sufficient quota remains to prosecute openings prior to the June 24-27 open period, the remaining quota would be provided for a June 27-30 open period with a per vessel land and possession limit to be determined inseason.

On June 15, 2006, the Regional Administrator (RA) consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife. Information related to catch to date, the Chinook catch rate, and effort data indicated that there was insufficient Chinook remaining in the quota to allow for the fishery to continue as scheduled. As a result, the states recommended, and the Regional Administrator concurred, that the commercial salmon fishery in the area from the U.S.-Canada Border to Cape

Falcon, OR, would not reopen as scheduled on June 17, and would remain closed through Monday, June 26, 2006. The fishery then reopened on June 27 through midnight June 30, 2006, with a 20-Chinook per vessel possession and landing limit for the four day open period. All other restrictions that apply to this fishery remained in effect as announced in the 2006 annual management measures.

This action was necessary to conform to the 2006 management goals, and the intended effect was to allow the fishery to operate within the seasons and quotas specified in the 2006 annual management measures. Automatic season closures based on quotas are authorized by regulations at 50 CFR 660.409(a)(1).

The RA determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason action recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the above described action was given prior to the time the action was effective 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. This action does not apply to other fisheries that may be operating in other areas.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of this action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agency have insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data are collected to determine the extent of the fisheries, and the time the fishery closure must be implemented to avoid exceeding the