

§ 660.231 Limited entry fixed gear sablefish primary fishery.

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(b) * * *

(4) * * *

(i) The person, partnership or corporation had ownership interest in a limited entry permit with a sablefish endorsement prior to November 1, 2000. A person who has ownership interest in a partnership or corporation that owned a sablefish-endorsement permit as of November 1, 2000, but who did not individually own a sablefish-endorsement limited entry permit as of November 1, 2000, is not exempt from the owner-on-board requirement when he/she leaves the partnership or corporation and purchases another permit individually. A person, partnership, or corporation that is exempt from the owner-on-board requirement may sell all of their permits, buy another sablefish-endorsement permit within up to a year from the date the last change in permit ownership was approved, and retain their exemption from the owner-on-board requirements. Additionally, a person, partnership, or corporation that qualified for the owner-on-board exemption, but later divested their interest in a permit or permits, may retain rights to an owner-on-board exemption as long as that person, partnership, or corporation purchases another permit by March 2, 2007. A person, partnership or corporation could only purchase a permit if it has not added or changed individuals since November 1, 2000, excluding individuals that have left the partnership or corporation, or that have died.

(ii) * * *

(A) Evidence of death of the permit owner shall be provided to NMFS in the form of a copy of a death certificate. In the interim before the estate is settled, if the deceased permit owner was subject to the owner-on-board requirements, the estate of the deceased permit owner may send a letter to NMFS with a copy of the death certificate, requesting an exemption from the owner-on-board requirements. An exemption due to death of the permit owner will be effective only until such time that the estate of the deceased permit owner has registered the deceased permit owner's permit to a beneficiary or up to three years after the date of death as proven by a death certificate, whichever is earlier. An exemption from the owner-on-board requirements will be conveyed in a letter from NMFS to the estate of the permit owner and is required to be on the vessel during fishing operations.

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■ 23. Revise 660.320 to read as follows:

§ 660.320 Open access fishery—crossover provisions.

The crossover provisions listed at § 660.60(h)(7), apply to vessels fishing in the open access fishery.

■ 24. In § 660.333, revise paragraphs (b) through (d) to read as follows:

§ 660.333 Open access non-groundfish trawl fishery—management measures.

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(b) *Participation in the ridgeback prawn fishery.* A trawl vessel will be considered participating in the open access, non-groundfish trawl ridgeback prawn fishery if:

(1) It is declared “non-groundfish trawl gear for ridgeback prawn” under § 660.13(d)(5)(iv), regardless of whether it is registered to a Federal limited entry trawl-endorsement permit; and

(2) The landing includes ridgeback prawns taken in accordance with California Fish and Game Code, section 8595, which states: “Prawns or shrimp may be taken for commercial purposes with a trawl net, subject to Article 10 (commencing with Section 8830) of Chapter 3.”

(c) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the open access, non-groundfish trawl California halibut fishery if:

(1) It is declared “non-groundfish trawl gear for California halibut” under § 660.13(d)(5)(iv), regardless of whether it is registered to a Federal limited entry trawl-endorsement permit;

(2) All fishing on the trip takes place south of Pt. Arena, CA (38°57.50' N. lat.); and

(3) The landing includes California halibut of a size required by California Fish and Game Code section 8392, which states: “No California halibut may be taken, possessed or sold which measures less than 22 in (56 cm) in total length, unless it weighs 4-lb (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3-lbs (1.3608 kg) or more dressed with the head off. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.”

(d) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the open access, non-groundfish trawl sea cucumber fishery if:

(1) It is declared “non-groundfish trawl gear for sea cucumber” under § 660.13(d)(5)(iv), regardless of whether it is registered to a Federal limited entry trawl-endorsement permit;

(2) All fishing on the trip takes place south of Pt. Arena, CA (38°57.50' N. lat.); and

(3) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8405, which requires a permit issued by the State of California.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 665**

[Docket No. 090130102–91386–02]

RIN 0648–XA780

Western and Central Pacific Fisheries for Highly Migratory Species; 2011 Bigeye Tuna Longline Fishery Closure

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

ACTION: Withdrawal of temporary rule.

SUMMARY: NMFS withdraws the temporary rule that would have closed the U.S. pelagic longline fishery for bigeye tuna in the western and central Pacific Ocean as a result of the fishery reaching the 2011 catch limit. NMFS no longer expects that the fishery will reach the limit by the date specified in the temporary rule.

DATES: The temporary rule published on November 18, 2011 (76 FR 71469) is withdrawn on November 28, 2011.

FOR FURTHER INFORMATION CONTACT: Tom Graham, NMFS Pacific Islands Region, (808) 944–2219.

SUPPLEMENTARY INFORMATION: NMFS established a catch limit of 3,763 metric tons (mt) of bigeye tuna (*Thunnus obesus*) for calendar year 2011 (74 FR 63999, December 7, 2009, and codified at 50 CFR 300.224). The limit was established under Conservation and Management Measure 2008–01 (CMM 2008–01) by the Commission for the Conservation and Management of Highly Migratory Species of the Western and Central Pacific Ocean (Commission). The catch limit applies to the U.S. pelagic longline fishery operating in the area of application of the Convention on the Conservation and

Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention Area). NMFS monitored the retained catches of bigeye tuna using logbook data submitted by vessel captains. NMFS used those data and other available information to determine that the 2011 catch limit was expected to be reached on November 27, 2011. In accordance with § 300.224(d), NMFS issued a temporary rule to close the U.S. pelagic longline fishery for bigeye tuna in the Convention Area on November 27, 2011, through the end of the 2011 calendar year (76 FR 71469, November 18, 2011).

On November 18, 2011, the President signed into law the Consolidated and Further Continuing Appropriations Act, 2012 (Act). Section 113 of the Act authorizes U.S. Participating Territories of the Commission, i.e., American

Samoa, Guam, and the Northern Mariana Islands to (among other things) assign catch limits established by the Commission through arrangements with U.S. vessels with permits issued under the Fishery Management (now “Ecosystem”) Plan for Pelagic Fisheries of the Western Pacific Region. Under CMM 2008–01, Participating Territories are generally subject to an annual catch limit of 2,000 mt of bigeye tuna. Under Section 113, the Secretary of Commerce is to attribute to Participating Territories those catches made by vessels operating under arrangements that meet the requirements of that section for the purposes of annual reporting to the Commission.

As of the implementation date of the Act (November 18, 2011), the Hawaii longline Association, which represents U.S. longline vessels that fish in the

western and central Pacific, had entered into an arrangement with the Territory of American Samoa. Pursuant to the Act, on November 18, 2011, NMFS began assigning catches by U.S. longline vessels fishing in the western and central Pacific to American Samoa. As a result, NMFS no longer expects that the fishery will reach the 2011 catch limit for U.S. fisheries on the date announced in the temporary rule (76 FR 71469, November 18, 2011), and withdraws that temporary rule.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: November 25, 2011.

Alan D. Risenhoover,

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National Marine Fisheries Service.*

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