

identification of a stock as being overfished, the affected Regional Fishery Management Council must develop measures to end overfishing and rebuild the stock. On October 13, 2000, the Acting Regional Administrator, NMFS Southeast Region, notified the Council of the overfished status of the Gulf of Mexico red grouper and requested that the Council take appropriate action. The letter to the Council reads as follows:

October 13, 2000

Ms. Kay Williams, Chairperson
Gulf of Mexico Fishery Management Council

3018 U.S. Highway 301, Suite 1000
Tampa, Florida 33619

Dear Kay,

This is to inform the Council that, based upon the best available scientific information, the National Marine Fisheries Service (NMFS) has determined that the Gulf of Mexico red grouper stock is overfished and undergoing overfishing. This determination is based on the 1999 red grouper stock assessment and subsequent analyses by the Southeast Fisheries Science Center completed at the request of the Reef Fish Stock Assessment Panel (enclosed). These most recent analyses indicate that the stock is overfished and undergoing overfishing. I do not anticipate that any additional re-analysis of these data will alter this determination. Furthermore, the recent peer review of the 1999 red grouper assessment by the Center for Independent Experts concluded that the assessment contained sufficient information upon which to base management decisions. The conclusions of this peer review have already been provided to the Council and the Reef Fish Stock Assessment Panel (RFSAP).

The reference points for overfishing and overfished currently in the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico are based only on fishing mortality rates expressed as spawning potential ratios (overfishing: 30% static SPR; overfished: 20% transitional SPR). These reference points are not fully compliant with the national standard guidelines because they do not include a component based on stock size and, thus, are not an adequate basis for determination of stock status. The national guidelines require specification of a minimum stock size threshold (MSST) and a maximum fishing mortality threshold (MFMT). Each of the assessment scenarios provided to the Council includes estimates of these status determination criteria as well as an estimate of MSY.

The Magnuson-Stevens Fishery Conservation and Management Act requires that the Council propose management measures to initiate rebuilding of the stock within one year of the determination that the stock is overfished. The 1999 stock assessment as well as the enclosed analyses provide the Council and the RFSAP with a range of assessment scenarios, including those recommended by industry consultants. The RFSAP will meet again in December to provide the Council with further guidance regarding the extent of reduction in fishing

mortality required to end overfishing and rebuild the stock. The extent of the required reduction is dependent on the assessment scenario selected and the duration of the rebuilding period. As the Council addresses overfishing and rebuilding of the red grouper stock, the Council must develop a plan to rebuild the stock to the biomass at MSY and must select specific estimates of MSY, OY, MFMT, and MSST as part of this plan. The information necessary to complete this task is included in the 1999 assessment and the enclosed material requested by the RFSAP.

I look forward to working with the Council to develop a plan for rebuilding the red grouper stock.

Sincerely Yours,

Joseph E. Powers, PhD.
Acting Regional Administrator

Dated: November 16, 2000.

William T. Hogarth,

*Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 991228355-0140-02; I.D. 110700C]

Fisheries of the Northeastern United States; Maine Mahogany Quahog Fishery; Commercial Quota Harvested

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

ACTION: Commercial quota harvest; closure.

SUMMARY: NMFS announces that the Maine mahogany quahog commercial quota has been harvested. Vessels issued a commercial Federal fisheries permit for the Maine mahogany quahog fishery may not land Maine mahogany quahogs in the State of Maine for the remainder of calendar year 2000, unless fishing for an individual allocation of ocean quahogs under specific regulations. Regulations governing the Maine mahogany quahog fishery require publication of this notification to advise the public that the quota has been harvested and to notify vessel and dealer permit holders that no commercial quota is available for landing Maine mahogany quahogs.

DATES: Effective from 0001 hours, November 25, 2000, through 2400 hours, December 31, 2000.

FOR FURTHER INFORMATION CONTACT:

Allison Ferreira, Fishery Management Specialist, (978)281-9103.

SUPPLEMENTARY INFORMATION:

Regulations governing the Maine mahogany fishery are found at 50 CFR part 648. The annual quota of Maine Mahogany quahogs is 100,000 Maine bushels (35,150 hL) for 2000.

Section 648.76(b)(1)(iv) requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the Maine mahogany quahog quota based on dealer reports and other available information and determine when the quota will be harvested. The Regional Administrator is further required to publish notification in the Federal Register advising the public and notifying Federal vessel and dealer permit holders that, effective on a specific date, the commercial quota for Maine mahogany quahogs has been harvested and no commercial quota is available for landing Maine mahogany quahogs for the remainder of the year. The Regional Administrator has determined, based upon dealer reports and other available information, that the commercial Maine mahogany quahog quota for 2000 has been harvested.

Therefore, effective 0001 hours, November 25, 2000, further landings of Maine mahogany quahogs in Maine by vessels issued a Maine mahogany quahog permit and not fishing for an individual allocation of ocean quahogs under § 648.70 are prohibited for the remainder of the 2000 calendar year. Effective 0001 hours, November 25, 2000, federally permitted dealers are also advised that they may not purchase Maine mahogany quahogs landed in Maine for the remainder of the calendar year from federally permitted vessels, unless they are fishing for an individual allocation of ocean quahogs.

The Maine mahogany quahog zone as defined in § 648.73(d), is closed to fishing for ocean quahogs except in those areas that are tested by the State of Maine and deemed to be within the requirements of the National Shellfish Sanitation Program and adopted by the Interstate Shellfish Sanitation Conference as acceptable limits for the toxin responsible for paralytic shellfish poisoning. Harvesting of ocean quahogs is allowed only in the areas and during the time periods specified by the Maine Department of Marine Resources as being safe for human consumption.

The regulations at § 648.76(a)(2) specify that vessels fishing under an ocean quahog individual allocation, regardless of whether they possess a Maine mahogany quahog permit, may land their catch in Maine or, consistent with applicable state law, in any other state that utilizes food safety-based procedures consistent with those used by the State of Maine for such purpose,

and must comply with the requirements in §§ 648.70 and 648.75. All mahogany quahogs landed by vessels fishing in the Maine mahogany quahog zone for an individual allocation of quahogs under § 648.70 are counted against the ocean quahog allocation for which the vessel is fishing.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: November 17, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 00-30025 Filed 11-22-00; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000501119-01; I.D. 102300C]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closures and Inseason Adjustments from House Rock, OR to Humboldt South Jetty, CA

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

ACTION: Closures and inseason adjustments; request for comments.

SUMMARY: NMFS announces that the commercial fishery in the area from House Rock, OR to Humboldt South Jetty, CA, reached its 1,000-chinook guideline for the sub-area allocation off Oregon. The fishery in the sub-area from House Rock, OR to the Oregon-California border was closed at midnight, September 6, 2000, for the duration of the fishery. In the sub-area off California, from Oregon-California border to the Humboldt South Jetty, the fishery remains open. Oregon State regulations will allow vessels with fish on board caught in the open area off California to seek temporary mooring in Brookings, OR, prior to landing in California only if such vessels first notify the Chetco River Coast Guard Station. The Northwest Regional Administrator, NMFS (Regional Administrator), determined that the commercial guideline of salmon for this sub-area had been reached. These actions were necessary to conform to the

2000 management measures and are intended to ensure conservation of chinook salmon.

DATES: Closure effective 2359 hours local time (l.t.), September 6, 2000, for the area from House Rock, OR to the Oregon-California border. Comments will be accepted through December 11, 2000.

ADDRESSES: Comments on these actions must be mailed to Donna Darm, Acting 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 Rebecca Lent, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments will not be accepted if submitted via e-mail or the Internet. 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:

William Robinson, 206-526-6140, Northwest Region, NMFS or Svein Fougner, 562-980-4030 Southwest Region, NMFS.

SUPPLEMENTARY INFORMATION:

Regulations governing the ocean salmon fisheries at 50 CFR 660.409(a)(1) state that, when a quota for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by notification issued under 50 CFR 660.411(a)(2), close the fishery for all salmon species in the portion of the fishery management area to which the quota applies, as of the date the quota is projected to be reached.

In the 2000 management measures for ocean salmon fisheries (65 FR 26138, May 5, 2000), NMFS announced that the commercial fishery for all salmon except coho in the area from House Rock, OR to Humboldt South Jetty, CA would open September 1 through the earlier of September 30 or until the 7,000-chinook quota was reached. The 7,000 chinook quota included a harvest guideline limiting landings at the port of Brookings, OR, to no more than 1,000 chinook. If this guideline was reached prior to the overall quota, the fishery would be closed north of the Oregon-California border. When the fishery is closed north of the Oregon-California border and open to the south, Oregon regulations provide that vessels with fish on board caught in the open area off California may seek temporary mooring in Brookings, OR, prior to landing in California only if such vessels first

notify the Chetco River Coast Guard Station via VHF channel 22A between the hours of 0500 and 2200 l.t. and provide the vessel name, number of fish on board, and estimated time of arrival. The Regional Administrator consulted with representatives of the Pacific Fishery Management Council, the California Department of Fish and Game, and the Oregon Department of Fish and Wildlife (ODFW) on September 6, 2000. The ODFW reported that the 1,000 chinook guideline for the sub-area allocation off OR (for the area from House Rock OR to Humboldt South Jetty, CA) would be reached by the end of the day on September 6, 2000, at the current catch and landing rates.

The Northwest Regional Administrator determined that the best available information on September 6, 2000, indicated that the catch and effort data and projections supported closure of the commercial fishery in the sub-area from House Rock, OR to the Oregon-California border at midnight, September 6, 2000. The sub-area off California from the Oregon-California border to the Humboldt South Jetty, California order would remain open. Oregon State regulations would allow vessels with fish on board caught in the open area off California to seek temporary mooring in Brookings, OR prior to landing in California only if such vessels first notify the Chetco River Coast Guard Station.

The States of California and Oregon will manage this fishery in state waters adjacent to these areas of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishermen of this action was given 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.

Classification

Because of the need for immediate action to stop a fishery upon achievement of a quota, NMFS has determined that good cause exists for this notification to be issued without affording a prior opportunity for public comment because such notification would be unnecessary, impracticable, and contrary to the public the immediate interest. Moreover, because of need to stop the fishery upon achievement of a quota, the Assistant Administrator for Fisheries, NOAA finds, for good cause, under 5 U.S.C. 553(d)(3), that delaying the effectiveness of this rule for 30 days is impracticable and contrary to the public interest.