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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 950106003-5070-02; I.D. 062695B]

Pacific Halibut Fisheries; Treaty Indian Commercial Fishery in Subarea 2A-1

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

ACTION: Closure.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes this inseason action pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. This action is intended to enhance the conservation of Pacific halibut stock in order to help sustain it at an adequate level in the northern Pacific Ocean and Bering Sea.

EFFECTIVE DATE: June 12, 1995, through December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Steven Pennoyer, 907-586-7221; William W. Stelle, Jr., 206-526-6140; or Donald McCaughan, 206-634-1838.

SUPPLEMENTARY INFORMATION: The IPHC, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa, Ontario, on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979), has issued this inseason action pursuant to IPHC regulations governing the Pacific halibut fishery. The regulations have been approved by NMFS (60 FR 14651, March 20, 1995). On behalf of the IPHC, this inseason action is published in the **Federal Register** to provide additional notice of its effectiveness, and to inform persons subject to the inseason action of the restrictions and requirements established therein.

Inseason Action

Northwest Treaty Tribes Fishery in Area 2A

Northwest treaty Indian tribes were allocated a total allowable catch of

182,000 lb (82.55 metric tons (mt)) in the subarea 2A-1 (northern Washington coast) in 1995. Of this total, 11,000 lb (4.98 mt) are reserved for ceremonial and subsistence purposes, leaving 171,000 lb (77.56 mt) for the commercial fishery. The commercial catch as of June 12, 1995, in subarea 2A-1 was 175,000 lb (79.37 mt), closing the treaty Indian commercial fishery for the remainder of 1995.

Dated: June 26, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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50 CFR Part 663

[Docket No. 950209046-5167-03; I.D. 011295D]

RIN 0648-AG82

Pacific Coast Groundfish Fishery; Modification of Nontrawl Sablefish Season

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

ACTION: Final rule.

SUMMARY: NMFS announces regulations to establish a new season structure for the nontrawl sablefish component of the Pacific Coast Groundfish limited entry fishery off Washington, Oregon, and California. The new regular season for this fishery will begin each year at 12 noon August 6. In addition, both the limited entry and open-access groundfish fisheries are required to remove all fixed gear from the water 72 hours prior to the start of the regular season. This rule is intended to promote the goals and objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by providing an equitable opportunity for different types of nontrawl gear to harvest the limited entry nontrawl allocation for sablefish, to enhance vessel safety by avoiding a winter opening, to keep the fishery within the annual management target, and to minimize gear conflicts.

EFFECTIVE DATE: August 2, 1995.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140; or Rodney McInnis at 310-980-4040.

SUPPLEMENTARY INFORMATION:

NMFS issues this final rule under the authority of the FMP and the Magnuson Fishery Conservation and Management Act (Magnuson Act). NMFS published a

proposed rule at 60 FR 11062 (March 1, 1995), requesting comments through April 17, 1995, based on a recommendation of the Pacific Fishery Management Council (Council) at its October 1994 meeting. No written comments were received. NMFS concurs with the Council's recommendations, and therefore, this final rule is substantively the same as proposed, with several clarifications explained below. The proposed rule and Environmental Assessment and Regulatory Impact Review (EA/RIR) prepared for this action contain background and rationale.

Clarifications

The proposed rule stated that all nontrawl gear must be out of the water 72 hours before the regular season and sablefish may not be landed during that time. However, a review of the Council's motion revealed that this requirement was intended to apply only to fixed gear (longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear), not all nontrawl gear. Nontrawl gear includes fixed as well as mobile gear. Most at-sea enforcement of the closure will be conducted by over-flights. Because it is difficult to distinguish between the various types of access or limited entry fixed gear, the requirement for gear to be out of the water applies to both open access and limited entry operations. Mobile nontrawl gear catches only small amounts of sablefish, and, since it is not marked with buoys, its use does not complicate aerial enforcement. Therefore, it is unnecessary to require mobile nontrawl gear to be out of the water. In the pink shrimp and spot and ridgeback prawn fisheries, pot (trap) vessels may set their gear as long as groundfish are not retained or landed during the 72-hour period.

To facilitate enforcement, NMFS intends to use 12 noon as the starting and ending times of the regular and mop-up fisheries, whenever practicable. Regarding the length of the mop-up season and amount of the cumulative trip limit, the requirement for the NMFS Regional Director to consult with the Council's "Groundfish Management Team" has been revised to its "designees" to provide flexibility.

The Council confirmed its intent and it is NMFS policy that, as in other groundfish fisheries, a vessel must initiate offloading its catch before the effective time of any closure or reduced trip limit. This ensures that fishers have enough time to come to shore and start offloading their catch, which is well documented because each landing of