

in accordance with good agricultural practices.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 941265-4365; I.D. 071195B]

Pacific Coast Groundfish Fishery; Miscellaneous Management Measures

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

ACTION: Inseason adjustment of trip limits; end of nontrawl sablefish regular season.

SUMMARY: NMFS announces inseason adjustments to the trip limits for widow rockfish and trawl-caught sablefish, and announces the ending date of the regular season for the nontrawl sablefish limited entry fishery. These actions are intended to enable the 1995 harvest guidelines for widow rockfish and trawl-caught sablefish to be achieved and to provide advance notice of the duration of the nontrawl sablefish regular season.

DATES: The trip limits for widow rockfish and trawl-caught sablefish are effective July 14, 1995, until the effective date of the 1996 annual specifications and management measures for the Pacific Coast Groundfish Fishery, which will be published in the **Federal Register**. The closing date of the nontrawl sablefish regular season and the reimposition of the daily trip limits are effective at 12 noon (local time), August 13, 1995, until the effective date of the 1996 annual specifications and management measures for the Pacific Coast Groundfish Fishery, which will be published in the **Federal Register**. Comments will be accepted until July 31, 1995.

ADDRESSES: Comments on these actions should be sent to Mr. William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070; or Ms. Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Information relevant to these actions has

been compiled in aggregate form and is available for public review during business hours at the office of the Director, Northwest Region, NMFS (Regional Director).

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

SUPPLEMENTARY INFORMATION: These actions are authorized by the Pacific Coast Groundfish Fishery Management Plan, which governs the harvest of groundfish in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California.

Adjustment to Trip Limits

On January 9, 1995, the 1995 Annual Specifications and Management Measures for Pacific Coast Groundfish Fishery were published in the **Federal Register** (60 FR 2331-2344). At its June 1995 meeting in Clackamas, OR, the Pacific Fishery Management Council (Council) considered the best available scientific information, comments from its advisory committees, and public testimony before recommending adjustments to the management measures for the commercial groundfish fishery. Because the Council meeting was held the last week in June, time constraints prevented these actions from being effective July 1, 1995, the beginning date for the next cumulative monthly trip limits. These less restrictive limits are being implemented during the month of July; however, the cumulative trip limits in effect at the beginning of July remain in effect until the effective date of this inseason adjustment. A cumulative monthly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a calendar month, without a limit on the number of landings or trips.

Widow Rockfish. The best available information through May 31, 1995, projected the total annual catch of widow rockfish to be 4,990 mt in 1995, almost 20 percent below the 6,500-mt harvest guideline. The current rate of landings would need to increase by almost 50 percent to enable the harvest guideline to be reached by the end of the year. Consequently, the Council recommended that the monthly cumulative trip limit be increased by 50 percent as quickly as possible, from 30,000 lb (13,608 kg) to 45,000 lb (20,412 kg). NMFS concurs with this recommendation to allow full achievement of the harvest guideline for widow rockfish.

Trawl-Caught Sablefish. On May 1, 1995, the cumulative monthly trip limit for trawl-caught sablefish was increased

from 6,000 lb (2,722 kg) to 7,000 lb (3,175 kg) (60 FR 22303, May 5, 1995) and the "per-trip" limit of 1,000 lb (454 kg) or 33.333 percent of the thornyheads and Dover sole remained in effect. The best available information through May 31, 1995, projects a total annual harvest of 3,412 mt in 1995, 10 percent below the revised 3,803-mt limited entry allocation for the sablefish trawl fishery.

Sablefish often are caught with thornyheads and Dover sole, which are managed together as the "DTS complex." Landings of shortspine thornyheads (one of the two thornyhead species) are higher than desired. However, a reduction in the current 3,000-lb (1361 kg) cumulative trip limit for shortspine thornyheads would most likely cause an increase in discards with little or no reduction in catch, because of thornyheads' close association in the catch with sablefish and Dover sole. The Council heard testimony that the current "per-trip" limit for sablefish could be encouraging a larger harvest of thornyheads, because fishers with more than 1,000 lb (454 kg) of sablefish on board, but less than one-third of the weight of thornyheads and Dover sole, would fish for additional amounts of the last two species to be within the percentage limit.

The Council recommended removing this "per-trip" sablefish limit (except for the 500-lb (227 kg) "per-trip" limit for sablefish smaller than 22 inches (56 cm) total length), while retaining the cumulative trip limits for sablefish and the DTS complex. Removing the "per-trip" limit will eliminate those discards that were made in excess of that limit, and will not encourage a large increase in sablefish landings because only small sablefish in very nearshore waters can be caught fairly selectively, and this harvest is constrained by the 500-lb (227-kg) trip limit on sablefish smaller than 22 inches (56 cm). NMFS concurs with the Council's recommendation, which is intended simultaneously to achieve the limited entry trawl allocation for sablefish, to eliminate the discard of sablefish caught in excess of the trip limit that now is removed, and to divert fishing effort from shortspine thornyheads.

Nontrawl Sablefish Season

The "regular season" for the limited entry nontrawl sablefish fishery begins at 12 noon on August 6, 1995, and ends when 70 percent (1,928 mt) of the 2,754-mt nontrawl allocation is projected to be taken. (The remainder of the allocation is to be taken in a mop-up fishery about 3 weeks later, if sufficient amounts remain.) The regulations at 50 CFR 663.23(b)(2)(ii) (60

FR 34472, July 3, 1995) state that the end of the regular season may be announced in the **Federal Register** either before or during the regular season. NMFS is announcing the closure date in advance of the regular season in 1995, because effort is expected to be so intense that there will be inadequate time to monitor landings and make a projection during the season. An early announcement enables fishers to plan more carefully and to decide whether to participate.

NMFS consulted with the Council and its Groundfish Management Team at the June, 1995, Council meeting and, based on the best available estimates of expected catch and effort, determined that 70 percent of the nontrawl allocation would be taken in 6–8 days. The Council recommended the midpoint of the range, 7 days, because even if the highest level of expected fishing effort occurred, the harvest guideline would not be exceeded during the regular season. NMFS concurs with the Council's recommendation, and announces that the regular season, which starts at 12 noon on August 6, 1995, will end just 7 days later, at 12 noon, August 13, 1995. Commencing at 12 noon, August 13, 1995, the following daily trip limits for nontrawl sablefish will resume: 300 lb (136 kg) per day north of 36° N. lat., and 350 lb (159 kg) per day south of 36° N. lat. (Daily trip limits apply to calendar days. Therefore, on August 13, 1995, a daily trip limit may be landed between 12 noon and midnight. At 0001 hours on August 14, 1995, daily trip limits will apply to the full 24 hours.) As in the past, a vessel must begin landing its catch before 12 noon August 13, or the daily trip limit will apply.

Further information regarding the nontrawl sablefish fishery and the closure before the start of the regular season are contained in the proposed and final rules for that action at 60 FR 11062 (March 1, 1995) and 60 FR 34472 (July 3, 1995), respectively.

NMFS Actions

NMFS announces the following changes to the 1995 fishery specifications and management measures published at 60 FR 2331–2344, January 9, 1995, as modified:

1. *Widow Rockfish*. Paragraph IV.B.(1) is revised to read as follows: "(1) *Limited entry fishery*. The cumulative trip limit for widow rockfish is 45,000 lb (20,412 kg) per vessel per month. (Widow rockfish also are called brownies.)"

2. *Trawl-Caught Sablefish*. Paragraph IV.E.(3)(b)(ii)(C) is revised to read as follows: "(C) In any trip, no more than

500 lb (227 kg) may be trawl-caught sablefish smaller than 22 inches (56 cm) total length."

3. *Nontrawl Sablefish*. Paragraph IV.E.(3)(c) is revised to read as follows: "(c) *Nontrawl trip and size limits*. The daily trip limits in paragraphs (i) and (ii) below, which apply to sablefish of any size, are in effect until 12 noon, August 3, 1995, at which time all fixed gear used to take and retain groundfish must be removed from EEZ waters according to the regulations at 50 CFR 663.23(b)(2). These same daily trip limits will be reimposed at 12 noon, August 13, 1995, the end of the regular season.

(i) *North of 36° N. lat.* The daily trip limit for sablefish taken and retained with nontrawl gear north of 36° N. lat. is 300 lb (136 kg).

(ii) *South of 36° N. lat.* The daily trip limit for sablefish taken and retained with nontrawl gear south of 36° N. lat. is 350 lb (159 kg).

(iii) During the "regular" season, the only trip limit in effect applies to sablefish smaller than 22 inches (56 cm) total length, which may comprise no more than 1,500 lb (680 kg) or 3 percent of all legal sablefish on board, whichever is greater. (See paragraph IV.A.(6) regarding length measurement.)"

Classification

The determination to take this action is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the office of the Director, Northwest Region, NMFS (see **ADDRESSES**) during business hours. Because of the need for immediate action, and because the public had an opportunity to comment on these actions at the Council meeting, NMFS has determined that good cause exists for this notice to be published without affording a prior opportunity for public comment or a 30-day delayed effectiveness period. This action is taken under the authority of 50 CFR 663.23(b)(2) and (c)(1)(i)(A) and (E), and is exempt from review under E.O. 12866.

Dated: July 14, 1995.

Richard W. Surdi,

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

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50 CFR Part 678

[I.D. 070795B]

Atlantic Shark Fisheries; Quota Adjustment

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

ACTION: Adjustment to the second semi-annual 1995 quota for the Atlantic large coastal shark species group.

SUMMARY: NMFS announces that the catch of large coastal sharks in the Atlantic, Caribbean, and Gulf of Mexico was 1,602 metric tons (mt) during the first semi-annual 1995 season. Because of the overharvest of this category quota, the second semi-annual 1995 quota is adjusted accordingly. The adjusted quota for the period July 1 through December 31, 1995, is 968 metric tons (mt).

EFFECTIVE DATE: July 14, 1995.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey; 301–713–2347; Kevin B. Foster; 508–281–9260; or Michael E. Justen; 813–570–5305.

SUPPLEMENTARY INFORMATION: The Atlantic, Caribbean, and Gulf of Mexico shark fisheries are managed by NMFS according to the Fishery Management Plan (FMP) for Atlantic Sharks prepared by NMFS under authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 678.

Section 678.23(b)(1)(i) of the regulations provides for two semi-annual quotas of 1,285 mt of large coastal sharks to be harvested from Atlantic, Caribbean, and Gulf of Mexico waters by commercial fishermen. The first semi-annual quota was available for harvest from January 1 through June 30, 1995.

The Assistant Administrator for Fisheries, NOAA, is authorized under § 678.23(c) to adjust the semi-annual quota to reflect actual catches during the preceding semi-annual period. Final data indicate that the catch from January through May 31, 1995, of the large coastal shark species totaled 1,602 mt, which is 317 mt more than the established quota. Therefore, the quota for large coastal shark species for the second 1995 semi-annual period is decreased from 1,285 mt to 968 mt.

Classification

This rule is exempt from review under E.O. 12866.