

FOR FURTHER INFORMATION CONTACT: Frank Bruno, Regulatory Affairs Group (WO-630), Bureau of Land Management, Mail Stop 401LS, 1849 "C" Street, N.W., Washington, DC 20240; telephone (202) 452-0352 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: BLM published the proposed rule on October 23, 1996, at 61 FR 54977-54978. The comment period closed on November 22, 1996, and we received only one public comment letter. Because of the National Petroleum Reserve-Alaska Environmental Impact Statement planning project that is currently underway, BLM decided to withdraw the proposed rule, and will take no further action on the proposal.

Dated: January 15, 1998.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980113013-8013-01; I.D. 122397I]

RIN 0648-AK56

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Control Date

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

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: This notice announces that persons who, after November 13, 1997, enter the pelagic longline fishery in American Samoa will not necessarily be assured of eligibility for continuing participation in the fishery if, in the future, the Western Pacific Fishery Management Council (Council) prepares and NMFS approves a program limiting entry or effort. This notice also announces that vessels greater than 50 ft (15.2 m) in length that are registered for use with Federal general longline permits after November 13, 1997, would not be assured of being allowed to use longline gear to fish for pelagic

management unit species within 100 nautical miles (nm) from the coast lines of American Samoa. This notice does not commit the Council to limit effort, nor does it prevent any other date from being selected for eligibility to participate in the fishery. The Council also may use other criteria to limit fishing effort associated with the proposed area closure around American Samoa.

DATES: Comments must be submitted by February 23, 1998.

ADDRESSES: Submit comments to the Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 92813.

FOR FURTHER INFORMATION CONTACT: Ms. Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, (909) 522-8220, or Mr. Alvin Katekaru, Fishery Management Specialist, Pacific Islands Area Office, NMFS (808) 973-2985.

SUPPLEMENTARY INFORMATION: The pelagic fishery in American Samoa is undergoing rapid change. Prior to 1995 it was largely a troll-based fishery. In late 1995 four vessels known locally as "alia" catamarans (about 30 ft (9.1 m) long powered by small gas outboard engines) began to fish for albacore using monofilament longline gear. During 1995, this artisanal-scale fishing operation landed 54,902 lb (24.903 metric tons (mt)) of albacore, a 97-percent increase in landings over the previous year. In 1996, 13 alias participated in the fishery and landed 232,721 lb (105.56 mt) of albacore. The number of longline vessels registered for the fishery increased to 32 in 1997, including four vessels ranging in length from 65 to 109 ft (19.8 to 33.2 m). In 1996, a total of 99,990 hooks were set in the fishery. By the third quarter of 1997, a total of 175,081 hooks had been set in the fishery.

In June 1997, fishermen in American Samoa formed a small boat working group to discuss possible management approaches to prevent destabilization and overcapitalization in the fishery. At the 94th meeting held in November 1997, after consulting with the group, Council members from American Samoa presented the Council with two recommendations: (1) Establish a "control date" (potential cut-off date) for permit eligibility if the Council decides to develop a limited entry program and (2) prepare a regulatory amendment under the framework process of the Fishery Management Plan for Pelagic Species Fisheries in the

Western Pacific Region to establish a 100-nm area around American Samoa closed to longline fishing by vessels longer than 50 ft (15.2 m) that were not already in the fishery. Vessels greater than 50 ft (15.2 m) in length registered with a general longline permit after the control date would not be allowed to continue to fish within the closed area. The Council approved the establishment of a control date (November 13, 1997) for a limited entry program and directed staff to prepare a regulatory amendment to establish a 100-nm area closed to longline fishing.

This decision by the Council rescinds the earlier control date for this fishery of January 1, 1991, published in the **Federal Register** on March 28, 1991 (56 FR 1289).

The Council believes that there is a risk of speculative entry into the fishery while the Council further evaluates the potential benefits and costs of limited entry alternatives and the proposed regulatory amendment for area closure, including enforcement concerns. The control date is designed to discourage speculative entry during this period of analysis. The control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the American Samoa longline fishery. Fishermen are not guaranteed future participation in this fishery, regardless of their entry date or level of participation before or after the control date. The Council may choose a different control date or it may choose a management regime that does not involve a control date. Other criteria, such as documentation of commercial landings and sales, may be used to determine eligibility for participation in the fishery. At its 95th meeting in April 1998, the Council may also consider prohibiting other U.S. pelagic non-longline fishing vessels (purse-seiners, trollers, and pole-and-line bait boats) greater than 50 ft (15.2 m) from fishing within 100-nm of the land masses of American Samoa. The Council also may choose to take no further action to control entry or access to the fishery or to establish a closed longline fishing area.

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

Dated: January 14, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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