

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 060209031-6092-02; I.D. 020606C]

RIN 0648-AU09

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Emergency Secretarial Action; Correction

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

ACTION: Temporary rule; emergency interim final rule; correction.

SUMMARY: On April 13, 2006, an interim final rule to implement an emergency action for the Northeast (NE) Multispecies Fishery Management Plan (FMP) was published in the **Federal Register**. The interim final rule was published with several inadvertent errors and unclear language, including the omission of the observer notice requirement for vessels participating in the U.S./Canada Management Area, language in the regulations defining how monkfish-only days-at-sea (DAS) are calculated, an inaccurate description regarding the example of how NE multispecies Category A DAS will be calculated for Day gillnet vessels, and incorrect trip limits for white hake. This document corrects these errors and clarifies the unclear language.

DATES: Effective May 1, 2006.

FOR FURTHER INFORMATION CONTACT: Douglas W. Christel, Fishery Policy Analyst, (978) 281-9141, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION:**Background**

On April 13, 2006 (71 FR 19348, FR Doc. 06-3504), an interim final rule was published that implemented emergency management measures, authorized by section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, that are intended to immediately reduce fishing mortality on specific groundfish stocks beginning May 1, 2006, in order to maintain the rebuilding programs established under Amendment 13 to the FMP. However, the interim final rule included several inadvertent errors and some unclear language in both the preamble and the regulatory text that need to be corrected or clarified. The errors and unclear language were incorrect examples of

how monkfish-only DAS are calculated when a vessel issued both a limited access NE multispecies DAS and a monkfish permit is subject to differential DAS counting, an inaccurate description regarding the examples of how NE multispecies Category A DAS will be calculated for Day gillnet vessels, omission of the observer notice requirement for vessels participating in the U.S./Canada Management Area, and inaccurate white hake trip limits in the regulatory text that differed from the preamble text. This notice corrects these errors and clarifies the unclear language, as described below.

Correction

Accordingly, the interim final rule, published on April 13, 2006, at 71 FR 19348, to be effective May 1, 2006, is corrected as follows:

1. On page 19350, in column 1, in the first full paragraph, line 20, correct "or" to read "and". On line 23, correct "10" to read "20". On line 24, correct "14" to read "28". Finally, on line 25, correct "10" to read "20".

2. On page 19350, in column 2, line 27, correct the number "0.57" to read "0.80" and correct the number "2" to read "2.8".

3. On page 19351, in column 3, line 15 and 16, remove the phrase ", unless otherwise specified below;". On line 27, insert the phrase "and using gear other than trawl gear" after the word "program".

§ 648.82 [Corrected]

■ 4. On page 19376, in column 2, under amendatory instruction 7, lines 4 and 5, remove the phrase "(d)(5) through (7)". On line 5, correct "(l)(2)(viii)" to read "(l)(1)(viii)".

§ 648.82 [Corrected]

■ 5. On page 19378, in column 1, in § 648.82, paragraph (s)(1)(iii) is corrected to read "(iii) Method of counting DAS. Unless electing to fish in the Regular B DAS Program specified in § 648.85(b)(10), and therefore subject to the DAS accrual provisions of paragraph (n)(3) of this section, or fishing under a Category A DAS exclusively within the U.S./Canada Management Area specified at § 648.85(a)(1), a Day gillnet vessel fishing with gillnet gear under a NE multispecies Category A DAS shall accrue 15 hours of DAS for each trip of more than 3 hours, but less than or equal to 11 hours. For a trip less than or equal to 3 hours, or more than 11 hours, the ratio of Category A DAS used to time called into the DAS program will be 1.4 to 1.0. A Day gillnet vessel fishing exclusively within the U.S./Canada Management Area shall accrue

15 hours of DAS for each trip of more than 3 hours, but less than or equal to 15 hours. For a trip less than or equal to 3 hours, or more than 15 hours, the ratio of Category A DAS used to time called into the DAS program will be 1.0 to 1.0."

§ 648.85 [Corrected]

■ 6. On page 19382, in column 2, § 648.85, after the first full paragraph, add paragraph (a)(3)(viii)(C) to read:

"(C) For the purposes of selecting vessels for observer deployment, a vessel fishing in either of the U.S./Canada Management Areas specified in paragraph (a)(1) of this section must provide notice to NMFS of the vessel name; contact name for coordination of observer deployment; telephone number for contact; and the date, time, and port of departure, at least 72 hours prior to the beginning of any trip that it declares into the U.S./Canada Management Area as required under this paragraph (a)(3)(viii)."

§ 648.85 [Corrected]

■ 7. On page 19384, in column 3, in § 648.85, paragraph (b)(10)(iv)(D), the last sentence beginning on line 14 is corrected to read, "If fishing with trawl gear, possession of monkfish (whole weight) and skates is limited to 500 lb (227 kg) per trip each and possession of lobsters is prohibited. For vessels fishing with gear other than trawl gear, possession of monkfish is restricted by the regulations at § 648.94(b)(7)."

§ 648.86 [Corrected]

■ 8. On page 19385, in column 3, in § 648.86, line 11, correct "500 lb (226.8 kg)" to read "1,000 lb (453.6 kg)". On lines 13 and 14, correct "5,000 lb (2,268.1 kg)" to read "10,000 lb (4,536 kg)".

§ 648.92 [Corrected]

■ 9. On page 19389, in column 1, in § 648.92, paragraph (b)(2)(iv)(B), line 16, correct the phrase "that vessel used" to read "charged at the differential DAS counting rate of 1.4:1 when fishing". On line 28, correct the number "0.57" to read "0.8". On line 29, correct the number "2" to read "2.8" and the number "0.57" to read "0.80". On line 31, correct the number "28" to read "27.2"

§ 648.92 [Corrected]

■ 10. On page 19389, in column 2, in § 648.92, paragraph (b)(2)(iv)(B), line 1, correct the number "10.57" to read "10.80" and correct the number "0.57" to read "0.80".

Dated: April 24, 2006.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 060301058-6109-02; I.D. 022306A]

RIN 0648-AU13

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Total Allowable Catches for the Northeast Multispecies Fishery for Fishing Year 2006

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

ACTION: Temporary rule; specifications.

SUMMARY: The following 2006 fishing year (FY) Total Allowable Catches (TACs) are implemented for the Northeast (NE) Multispecies Fishery Management Plan (FMP). Hard (i.e., the fishery or area closes when a TAC is reached) TACs for Eastern Georges Bank (GB) cod, Eastern GB haddock, and GB yellowtail flounder in the U.S./Canada Management Area; target TACs for all NE regulated multispecies; and hard Incidental Catch TACs for groundfish stocks of concern. The intent of this action is to provide for the conservation and management of groundfish management under the NE Multispecies Fishery Management Plan (FMP).

DATES: The U.S./Canada TACs as identified in Table 1 of this rule are effective May 1, 2006, through April 30, 2007. The target TACs as identified in Table 3 of this document and the Incidental Catch TACs as identified in Table 4 are effective May 1, 2006, through October 25, 2006.

ADDRESSES: Copies of the Transboundary Management Guidance Committee's (TMGC) 2005 Guidance Document and copies of the Environmental Assessment (EA) of the 2006 TACs (including the Regulatory Impact Review and Final Regulatory Flexibility Analysis (FRFA)) may be obtained from NMFS at One Blackburn Drive Gloucester, MA 01930; telephone (978) 281-9315. NMFS prepared a summary of the FRFA, which is contained in the Classification section of this final rule.

FOR FURTHER INFORMATION CONTACT: Thomas Warren, Fishery Policy Analyst, (978) 281-9347, fax (978) 281-9135, e-mail *Thomas.Warren@NOAA.gov*.

SUPPLEMENTARY INFORMATION: A proposed rule for this action was published on March 13, 2006, (71 FR 12665) with public comments accepted though April 12, 2006. A detailed description of the administrative process used to develop the TACs was contained in the preamble of the proposed rule and is not repeated here. The FMP specifies procedures for setting three types of TACs: (1) Annual hard (i.e., the fishery or area closes when a TAC is reached) TACs for Eastern GB cod, Eastern GB haddock, and GB yellowtail flounder; (2) target TACs for all regulated groundfish stocks; and (3) hard Incidental Catch TACs for groundfish stocks of concern.

Hard TACs

The regulations governing the annual development of hard TACs for the U.S./

Canada Management Area species (§ 648.85(a)(2)) were implemented through the final rule for Amendment 13 to the FMP (69 FR 22906; April 27, 2004) in order to be consistent with the U.S./Canada Resource Sharing Understanding (Understanding), which is an informal understanding between the United States and Canada that outlines a process for the management of the shared GB groundfish resources. The Understanding specifies an allocation of TAC for these three stocks for each country, based on a formula that considers historical catch percentages and current resource distribution.

On September 15, 2005, the Council accepted the recommendations of the TMGC for the FY 2006 TACs for GB cod, GB haddock, and GB yellowtail flounder. The recommended 2006 TACs were based upon the most recent stock assessments (Transboundary Resource Assessment Committee (TRAC) Status Reports for 2005), and the fishing mortality strategy shared by both the U.S. and Canada. The strategy is to maintain a low to neutral risk of exceeding the fishing mortality limit reference ($F_{ref} = 0.18, 0.26, \text{ and } 0.25$ for cod, haddock, and yellowtail flounder, respectively). That is, when stock conditions are poor, fishing mortality rates (F) should be further reduced to promote rebuilding.

This action implements the following hard TACs for GB: 374 mt of GB cod, 7,480 mt of GB haddock, and 2,070 mt of GB yellowtail flounder. The FY 2006 haddock and yellowtail flounder TACs represent decreases from FY 2005 TAC levels (by 1 percent and 51 percent, respectively), and the FY 2006 cod TAC represents a 44-percent increase from the FY 2005 TAC (Tables 1 and 2).

TABLE 1.—FY 2006 U.S./CANADA TACs (MT) AND PERCENTAGE SHARES (IN PARENTHESES)

	GB Cod	GB Haddock	GB Yellowtail flounder
Total Shared TAC	1,700	22,000	3,000
U.S. TAC	374 (22)	7,480 (34)	2,070 (69)
Canada TAC	1,326 (78)	14,520 (66)	930 (31)

TABLE 2.—2005 U.S./CANADA TACs (MT) AND PERCENTAGE SHARES (IN PARENTHESES)

	GB Cod	GB Haddock	GB Yellowtail flounder
Total Shared TAC	1,000	23,000	6,000
U.S. TAC	260 (26)	7,590 (33)	4,260 (71)
Canada TAC	740 (74)	15,410 (67)	1,740 (29)