

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 648

[Docket No. 971015246-7293-02; I.D. 100897D]

RIN 0648-AK44

**Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 1998 Final Specifications; Correction**

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

**ACTION:** Correction to regulatory text.

**SUMMARY:** This document contains a correction that is related to the final specifications for the 1998 summer flounder, scup, and black sea bass fisheries, which were published on Thursday, December 18, 1997. A revision was inadvertently not made to a portion of the regulatory text to indicate that the 1998 final specifications include a provision to increase the minimum mesh size threshold for black sea bass. This document revises 50 CFR 648.145(c) to correct this oversight. The dates for the final rule remain unchanged.

**DATES:** Effective January 1, 1998. The amendments to §§ 648.24(u)(1), 648.200(a), 648.143(a), and § 648.144(a)(1)(i) became effective on January 1, 1998. The final specifications for the 1998 summer flounder, scup, and black sea bass fisheries and notifications of commercial harvest are effective January 1, 1998, through December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Regina L. Spallone, Fishery Policy Analyst, (978) 281-92210.

**SUPPLEMENTARY INFORMATION:**

**Background**

The final specifications for the 1998 summer flounder, scup, and black sea bass fisheries, which were published December 18, 1997 (62 FR 66304), contained a provision to increase the catch threshold level that would trigger the minimum mesh size requirement for black sea bass from 100 to 1,000 lb (45.4 to 453.6 kg). The language was revised in the regulatory text of the final specifications for 50 CFR 648.14(u)(1) and 648.144(a)(1)(i). However, the language in 50 CFR 648.145(c) was inadvertently not revised.

**List of Subjects in 50 CFR Part 648**

Fisheries, Reporting and recordkeeping requirements.

**PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES**

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.145, the first sentence of paragraph (c) is revised to read as follows:

**§ 648.145 Possession limit.**

\* \* \* \* \*

(c) Owners or operators of otter trawl vessels issued a moratorium permit under § 648.4(a)(6) and fishing with, or possessing on board, nets or pieces of net that do not meet the minimum mesh requirements and that are not stowed in accordance with § 648.144(a)(4), may not retain 1,000 lb (453.6 kg) or more of black sea bass. \* \* \*

Dated: February 27, 1998.

**David L. Evans,**

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

[FR Doc. 98-5764 Filed 3-5-98; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 679

[Docket No. 971208295-7295-01; I.D. 030298C]

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska**

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim specification for Pacific cod by vessels catching Pacific cod for processing by the inshore component in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 3, 1998, until 2400 hrs, A.l.t., December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Thomas Pearson, 907-486-6919.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The interim specification of Pacific cod total allowable catch (TAC) in the Western Regulatory Area of the GOA was established by the Interim 1998 Harvest Specifications (62 FR 65622, December 15, 1997) as 4,361 metric tons (mt), determined in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1998 interim specification of Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 4,061 mt, and is setting aside the remaining 300 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

**Classification**

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the interim 1998 harvest specifications for groundfish for the GOA. It must be implemented immediately to prevent overharvesting the 1998 interim TAC of Pacific cod allocated for processing by the inshore component in the Western Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to public interest, and further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by 50 CFR 679.20 and is exempt from review under E.O. 12866.

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

Dated: March 2, 1998.

**Gary C. Matlock,**

Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.

[FR Doc. 98-5833 Filed 3-3-98; 1:40 pm]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 971201282-8049-02; I.D.  
102897B]

RIN 0648-AK38

#### Halibut Fisheries in U.S. Convention Waters Off Alaska; Fisheries of the Exclusive Economic Zone Off Alaska; Management Measures to Reduce Seabird Bycatch in the Hook-and-Line Halibut and Groundfish Fisheries

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues regulations to require operators of vessels fishing for Pacific halibut in U.S. Convention waters off Alaska to conduct fishing operations in a specified manner and to employ specified measures intended to reduce seabird bycatch and incidental seabird mortality. This rule also amends the regulations requiring seabird bycatch avoidance measures in the hook-and-line groundfish fisheries of the Bering Sea and Aleutian Islands management area (BSAI) and the Gulf of Alaska (GOA) to exempt small vessels from some of the requirements and to clarify one of the measures. The Pacific halibut fishery measures are intended to mitigate interactions with the short-tailed albatross (*Diomedea albatrus*), an endangered species protected under the Endangered Species Act (ESA), and with other seabird species in fisheries in and off Alaska.

**DATES:** Effective April 6, 1998.

**ADDRESSES:** Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this final rule may be obtained from NMFS at P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS, at 907-586-7228. Copies of the EA/RIR/FRFA prepared for the action requiring seabird avoidance measures in the BSAI and GOA groundfish hook-and-line

fisheries are also available from the above address.

**FOR FURTHER INFORMATION CONTACT:** Kim S. Rivera, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The U.S. groundfish fisheries of the GOA and the BSAI in the exclusive economic zone are managed by NMFS under the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*; Magnuson-Stevens Act) and are implemented by regulations for the U.S. fisheries at 50 CFR part 679. General regulations that also pertain to U.S. fisheries appear at subpart H of 50 CFR part 600. The Northern Pacific Halibut Act of 1982 (Halibut Act), 16 U.S.C. 773 *et seq.*, authorizes the Council to develop and NMFS to implement halibut fishery regulations that are in addition to, and not in conflict with, regulations adopted by the International Pacific Halibut Commission (IPHC). Furthermore, the Magnuson-Stevens Act and the Halibut Act authorize the Council and NMFS to make regulatory changes that are consistent with the FMPs and that are necessary to conserve and manage the fixed gear Pacific halibut fisheries.

#### Background

The issue of seabird bycatch and incidental mortality in commercial fishing operations has been heightened in recent years. Further information on this issue was provided in the preambles to the proposed and final rules implementing seabird avoidance measures in the BSAI and GOA hook-and-line groundfish fisheries (62 FR 10016, March 5, 1997; 62 FR 23176, April 29, 1997), in the EA/RIR/FRFA prepared for that action, in the preamble to the proposed rule for this action (62 FR 65635, December 15, 1997), and in the EA/RIR/FRFA prepared for this action. In addition, the United States is working with the United Nations' Food and Agriculture Organization to conduct a technical consultation on implementing mitigation measures to reduce seabird bycatch in longline fisheries around the world (62 FR 42766, August 8, 1997). NMFS and the U.S. Fish & Wildlife Service (USFWS) are the U.S. co-leaders in this effort.

Recent takes of the endangered short-tailed albatross (two in 1995 and one in 1996) in hook-and-line groundfish fisheries in the BSAI and the GOA

underscore a seabird bycatch problem. At its December 1996 meeting, the Council voted unanimously to recommend that all hook-and-line vessels fishing for groundfish in the GOA and BSAI be required to use certain seabird bycatch avoidance measures intended to reduce the incidental mortality of the short-tailed albatross and other seabird species. Furthermore, the Council recommended that these or similar measures be implemented in the Pacific halibut fishery in U.S. Convention waters off Alaska. Addressing a potential seabird bycatch problem in the Pacific halibut fishery is warranted, given the similarities between the Pacific halibut fishery and the hook-and-line groundfish fisheries. At its annual meeting in January 1997, the IPHC reviewed and concurred with the development of seabird avoidance measures for the Pacific halibut fishery in U.S. Convention waters off Alaska.

At its June 1997 meeting, the Council recommended extending the seabird avoidance requirements in the Alaska hook-and-line groundfish fisheries to the Pacific halibut fishery in U.S. Convention waters off Alaska. The Council also recommended that vessels less than 26 ft (7.9 m) length overall (LOA) in the Pacific halibut fishery and in the GOA and BSAI hook-and-line groundfish fisheries be exempt from some of the specified seabird avoidance measures.

NMFS published a proposed rule in the **Federal Register** on December 15, 1997 (62 FR 65635) that proposed seabird avoidance measures for the Pacific halibut fishery in U.S. Convention waters off Alaska. Public comment was invited through January 14, 1998. Two letters containing nine comments were received by the end of the comment period. One letter of six comments was received after the close of the public comment period and addressed two new issues that are addressed under the Response to Comments section.

Pursuant to section 7 of the ESA, NMFS initiated a consultation on the Pacific halibut fishery and proposed regulatory measures to reduce seabird mortality in this fishery with the USFWS in April 1997. In October 1997, NMFS revised the Pacific halibut fishery consultation and initiated an informal consultation on the proposed regulatory measure to exempt vessels less than 26 ft (7.9 m) LOA using hook-and-line gear in the groundfish fisheries in the BSAI or GOA from some of the seabird avoidance measures. In January 1998, USFWS concluded the informal consultation and concurred with