

Dated: September 30, 1998.

**Bruce Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 98-26640 Filed 9-30-98; 4:15 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 980429110-8110-01; I.D. 091198B]

#### **Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Ocean Recreational Salmon Fisheries; Closure and Reopening; Queets River, Washington, to Cape Falcon, Oregon**

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

**ACTION:** Closures and reopenings; request for comments.

**SUMMARY:** NMFS announces the closure of the ocean recreational salmon fishery from Queets River to Leadbetter Point, Washington, effective at midnight, August 16, 1998, and the reopening of the ocean recreational salmon fisheries from Queets River, Washington, to Cape Falcon, Oregon, for one day on September 3, 1998. The area from 0 to 3 miles (4.8 km) off shore that was previously closed to fishing in the subarea from Queets River to Leadbetter Point, Washington, opened for this one-day fishery. These actions were necessary to conform to the 1998 management measures and are intended to ensure conservation of coho and chinook salmon as well as to maximize the harvest of coho and chinook salmon without exceeding the ocean share allocated to the recreational fishery in these subareas.

**DATES:** Closure effective 2400 hours local time (l.t.), August 16, 1998. Partial reopening and rescission of closed area (Queets River to Leadbetter Point, Washington) effective 0001 hours l.t. until 2400 hours l.t., September 3, 1998. Comments will be accepted through October 19, 1998.

**ADDRESSES:** Comments may be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., Building 1, Seattle, WA 98115-0070. Information relevant to this document is available for public review during

business hours at the office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** William L. Robinson, 206-526-6140.

#### **SUPPLEMENTARY INFORMATION:**

Regulations governing the ocean salmon fisheries at 50 CFR 660.409(a)(1) state that, when a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by an inseason action issued under 50 CFR 660.411, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

In the 1998 management measures for ocean salmon fisheries (63 FR 24973, May 6, 1998), NMFS announced that the recreational fishery in the area from Queets River to Leadbetter Point opened for all salmon on August 3, 1998, through the earlier of September 24, 1998, or 7,400 coho salmon subarea quota, with an inseason management guideline of 2,350 chinook salmon, and Leadbetter Point to Cape Falcon opened for all salmon on August 3, 1998, through the earlier of September 24, 1998, or 7,000 coho salmon subarea quota, with an inseason management guideline of 1,050 chinook salmon.

On August 14, 1998, the best available information indicated that the catch and effort data and projections supported closure from Queets River to Leadbetter Point, Washington at midnight, August 16, 1998, in order to prevent the catch in the subarea from exceeding its quota. The estimated catch for the recreational fishery in this subarea through August 13, 1998, was 5,843 fish compared to the 7,400 coho salmon quota. The projected catch for August 14-16, 1998, was 1,000-1,200 fish. The projected catch was close enough to the quota that all parties agreed not to add another day of fishing to capture the 100-500 coho salmon remaining in the quota because the weekend fishing effort on August 16, 1998, could have been higher than expected and could have exceeded the 7,400 fish quota. As of August 17, 1998, the estimated catch for the recreational fishery in this subarea through August 16, 1998, was 6,675 fish, with 725 coho salmon remaining in the quota.

As of August 11, 1998, the estimated catch through the August 9, 1998, weekend fishing effort on August 16, 1998, closure for Leadbetter Point, Washington, to Cape Falcon, Oregon, was 6,109 fish compared to the 7,000

coho salmon quota, with 962 coho remaining (63 FR 46701, September 2, 1998).

On August 17, 1998, the two subarea fisheries from Queets River, Washington, to Cape Falcon, Oregon, were reevaluated. The best available information indicated that the catch and effort data and projections supported reopening of these two ocean recreational fisheries for one day on Thursday, September 3, 1998, in order to maximize harvest within the quotas. The decision was based on the following: The slightly higher estimates of coho salmon left in each subarea's quota than had been projected when the areas were closed, the proposed additional fishing date not being on the weekend, the fact that the buoy 10 fishery would be closed at that time, and the fact that coho salmon catch rates typically decrease and chinook salmon catch rates increase later in the season. There are more chinook salmon available in the season catch guidelines compared to what is remaining in the coho salmon quota. Based on the above information, NMFS has concluded that the chances of exceeding each subarea's quota is low. The area from 0 to 3 miles (4.8 km) off shore that was previously closed to fishing in the subarea from Queets River to Leadbetter Point, Washington, will be opened for this one-day fishery. This will also tend to increase the chinook salmon catch rate, because chinook salmon are typically found closer to shore than coho salmon.

Reopenings of the fishery are authorized by 50 CFR 660.409(a)(2), and rescission of an area of closure is authorized by 50 CFR 660.409(b)(1)(v). The Regional Administrator consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fish and Wildlife, and the Oregon Department of Fish and Wildlife. The States of Washington and Oregon manage the recreational fisheries in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason action procedures of 50 CFR 660.411, actual notice to fishermen of these actions was given prior to 2400 hours l.t., August 16, 1998, for the closure, and prior to 0001 hours l.t., September 3, 1998, for the reopenings by telephone hotline number 206-526-6667 and 800-662-9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz. Because of the need for immediate action to manage the fishery to achieve but not exceed the quota, NMFS has determined that good cause exists for this action to be issued

without affording a prior opportunity for public comment. This action does not apply to other fisheries that may be operating in other areas.

#### Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under E.O. 12866.

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

Dated: September 29, 1998.

**Bruce Morehead,**

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

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 092998C]

##### Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker/Rougheye Rockfish in the Eastern 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 retention of shortraker/rougheye rockfish in the

Eastern Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catch of shortraker/rougheye rockfish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1998 total allowable catch (TAC) of shortraker/rougheye rockfish in this area has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 1, 1998, until 2400 hrs, A.l.t., December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery 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. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

In accordance with § 679.20(c)(3)(iii), the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998) established the amount of the 1998 TAC of shortraker/rougheye rockfish in the Eastern Regulatory Area of the GOA as 460 metric tons.

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the

1998 TAC for shortraker/rougheye rockfish in the Eastern Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that further catches of shortraker/rougheye rockfish in the Eastern Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1998 TAC for shortraker/rougheye rockfish in the Eastern Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1998 TAC for shortraker/rougheye rockfish in the Eastern Regulatory Area. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot 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 § 679.20 and is exempt from review under E.O. 12866.

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

Dated: September 30, 1998.

**Richard W. Surdi,**

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

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