

§ 648.104 Gear restrictions.

(a) * * * (1) Otter trawlers whose owners are issued a summer flounder permit and that land or possess 100 or more lb (45.4 or more kg) of summer flounder from May 1 through October 31, or 200 lb or more (90.8 kg or more) of summer flounder from November 1 through April 30, per trip, must fish with nets that have a minimum mesh size of 5.5-inch (14.0-cm) diamond or 6.0-inch (15.2-cm) square mesh applied throughout the body, extension(s), and codend portion of the net.

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(f) The minimum net mesh requirement may apply to any portion of the net. The minimum mesh size and the portion of the net regulated by the minimum mesh size may be adjusted pursuant to the procedures in § 648.100. [FR Doc. 97-31708 Filed 11-28-97; 2:01 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970429101-7101-01; I.D. 111097A]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments and Closures from the U.S.-Canadian Border to the U.S.-Mexican Border

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

ACTION: Inseason adjustments and closures; request for comments.

SUMMARY: NMFS announces the following inseason adjustments and closures in the recreational salmon fisheries. The regulation regarding compliance with minimum size or other special restrictions for the recreational salmon fishery off Washington, Oregon, and California, was modified from the annual management measures, beginning July 1, 1997. This action was necessary to allow recreational anglers to fish in accordance with management intent. For the recreational salmon fishery in the area from the Queets River to Leadbetter Point, WA, the bag limit was modified to two fish per day, and the area closure was rescinded so that the fishery was open 0 to 200 miles off shore, effective August 13, 1997, through September 4, 1997. This action was intended to liberalize measures for

dampening chinook harvest associated with the small coho subarea quota due to sufficient numbers of fish remaining in the overall chinook quota north of Cape Falcon, OR. The recreational salmon fisheries were closed in the following areas: From the U.S.-Canadian border to Cape Alava, WA, at 2400 hours local time (l.t.), July 23, 1997; from Cape Alava to the Queets River, WA, at 2400 hours l.t., August 3, 1997; from the Queets River to Leadbetter Point, WA, at 2400 hours l.t., September 4, 1997; and from Leadbetter Point, WA, to Cape Falcon, OR, at 2400 hours l.t., August 7, 1997. These actions were necessary to conform to the 1997 management measures and was intended to ensure conservation of chinook and coho salmon.

DATES: Inseason adjustment from the U.S.-Canadian border to the U.S.-Mexican border effective 0001 hours l.t. July 1, 1997, through 2400 hours l.t., November 16, 1997. Inseason adjustment from the Queets River to Leadbetter Point, WA, effective 0001 hours l.t., August 13, 1997, through 2400 hours l.t., September 4, 1997. Closure from the U.S.-Canadian border to Cape Alava, WA, was effective at 2400 hours l.t., July 23, 1997, through 2400 hours l.t., September 25, 1997, at which time the season remains closed under the terms of the preseason announcement of the 1997 management measures. Closure from Cape Alava to the Queets River, WA, 2400 hours l.t., August 3, 1997, through 2400 hours l.t., September 25, 1997, at which time the season remains closed under the terms of the preseason announcement of the 1997 management measures. Closure from the Queets River to Leadbetter Point, WA, 2400 hours l.t., September 4, 1997, through 2400 hours l.t., September 25, 1997, at which time the season remains closed under the terms of the preseason announcement of the 1997 management measures. Closure from Leadbetter Point, WA, to Cape Falcon, OR, 2400 hours l.t., August 7, 1997, through 2400 hours l.t., September 25, 1997, at which time the season remains closed under the terms of the preseason announcement of the 1997 management measures. Comments will be accepted through December 17, 1997.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Regional Administrator (Regional Administrator), Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070. Information relevant to this action is available for public review during business hours at the office of the

Regional Administrator, Northwest Region, NMFS.

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

SUPPLEMENTARY INFORMATION:

Inseason Adjustment From the U.S.-Canadian Border to the U.S.-Mexican Border

In the annual management measures for ocean salmon recreational fisheries (62 FR 24355, May 5, 1997), NMFS announced in Table 2 note C.4. that "All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught."

This regulation was problematic for recreational anglers. The area between Point Reyes and Pigeon Point, CA, from July 1 through September 1, was subject to a daily bag limit of the first two fish, and no size limits applied. Adjacent areas to the north (Point Arena to Point Reyes, CA) and to the south (Pigeon Point to the U.S.-Mexican border) were open during this period and were subject to a daily bag limit of two fish and a minimum size limit for chinook salmon. Given the proximity of fishing ports to the management boundaries separating these areas with different minimum size restrictions, recreational anglers leaving port in one management area who chose to fish in the adjacent area could have been in violation when landing their catch in their home port. It was not the intent to prohibit such activities by recreational anglers. The modification maintains the requirement that fish must meet the minimum size or other special requirements for the area being fished, but rescinds the requirement that they must also meet the minimum size or other special requirements for the area in which they are landed. Therefore, Table 2 note C.4. was modified to read "All salmon on board a vessel must meet the minimum size or other special requirements for the area being fished. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught."

Modification of limited retention regulations is authorized by 50 CFR 660.409(b)(1)(ii). The Regional Administrator consulted with representatives of the Pacific Fishery Management Council (Council), the Washington Department of Fish and Wildlife (WDFW), the Oregon

Department of Fish and Wildlife (ODFW), and the California Department of Fish and Game regarding this adjustment. The states of Washington, Oregon, and California have been managing the recreational fishery in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishermen of this action was given prior to July 1, 1997, by telephone hotline numbers (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 modify the limited retention regulations before the July 1, 1997, opening of the season between Point Reyes and Pigeon Point, CA, NMFS determined that good cause existed for the action to be taken without affording a prior opportunity for public comment.

Inseason Adjustment From the Queets River to Leadbetter Point, WA

In the annual management measures for ocean salmon fisheries, NMFS announced that the recreational fishery in the subarea between the Queets River and Leadbetter Point, WA, would open July 21 and continue through the earlier of September 25 or attainment of the 14,000 coho subarea quota. Inseason management would be used to sustain season length and keep harvest within a guideline of 3,000 chinook. The recreational bag limit would be two fish per day, and the area from 0 to 3 miles off shore would be closed.

Concern was expressed that this year's relative abundance of coho to chinook might be lower and that the chinook guideline could be achieved first, thus leaving a large portion of the coho quota unharvested. To optimize angler opportunity to fish on the available coho stocks, it was necessary to dampen the harvest of chinook at the beginning of the season by setting an area closure of 0 to 3 miles off shore and changing the bag limit to two fish, only one of which may be a chinook (62 FR 43484, August 14, 1997).

The best available information on August 11 indicated that there were a sufficient number of fish in the overall chinook quota north of Cape Falcon, OR, such that the above measures were no longer needed. Hence, beginning at 0001 hours l.t., August 13, 1997, the daily bag limit for the recreational fishery in the subarea from Queets River to Leadbetter Point, WA, was reestablished back to two fish, and this area closure was rescinded so that the

fishery was open from 0 to 200 miles off shore.

Modification of recreational bag limits and closed areas is authorized by regulations at 50 CFR 660.409(b)(1)(iii) and (v). The Regional Administrator consulted with representatives of the Council and the WDFW regarding this adjustment. The State of Washington managed the recreational fishery in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishermen of this action was given prior to 0001 hours l.t., August 13, 1997, by telephone hotline numbers (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 liberalize the bag limit and area closure for this fishery, NMFS determined that good cause existed for this action to be taken without affording a prior opportunity for public comment.

Closures From the U.S.-Canadian Border to Cape Falcon, OR

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, the Secretary 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 1997 management measures for ocean salmon fisheries, NMFS announced that the recreational fishery in the area from the U.S.-Canadian border to Cape Alava, WA, would open on July 21 and continue through September 25, or attainment of the 550 chinook salmon subarea quota, whichever occurred first. Cape Alava to the Queets River, WA, would open on July 21 and continue through September 25, or attainment of the 800 coho salmon subarea quota, whichever occurred first. Queets River to Leadbetter Point, WA, would open on July 21 and continue through September 25, or attainment of the 14,000 coho salmon subarea quota, whichever occurred first. Leadbetter Point, WA, to Cape Falcon, OR, would open on July 21 and continue through September 25, or attainment of the 17,500 coho salmon subarea quota, whichever occurred first.

Throughout the season the best available information was used to determine when the salmon quotas had been reached based on catch and effort data and projections. To provide for an orderly shutdown of the recreational fishery in these areas, closure was made effective for: U.S.-Canadian border to Cape Alava, WA, at 2400 hours l.t., July 23; Cape Alava to the Queets River, WA, at 2400 hours l.t., August 3; Queets River to Leadbetter Point, WA, at 2400 hours l.t., September 4; and Leadbetter Point, WA, to Cape Falcon, OR, at 2400 hours l.t., August 7. The Regional Administrator consulted with representatives of the Council, the WDFW, and the ODFW. The states of Washington and Oregon managed the recreational fishery in state waters adjacent to this area of the exclusive economic zone in accordance with this Federal action. As provided by the inseason notification procedures of 50 CFR 660.411, actual notice to fishermen of this action was given prior to the actual closure times and dates, 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 stop the fishery upon achievement of the quota, NMFS determined that good cause existed for this action to be taken without affording a prior opportunity for public comment.

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: November 26, 1997.

Bruce C. 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. 961126334-7025-02, I.D. 112597C]

Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska

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