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Halibut Regulatory Area 4E

Place with Tribal Headquarters	Organized Tribal Entity

Egegik	Egegik Village

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[FR Doc. E8-28461 Filed 11-28-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 080408542-8615-01]

RIN 0648-XK69

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation

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

ACTION: Reapportionment of surplus Pacific whiting allocation; request for comments.

SUMMARY: NMFS has determined that 35,000 metric tons (mt) of the 97,669 mt shore-based sector allocation would not be used by December 31, 2008. Therefore, NMFS has reapportioned the surplus whiting to the other sectors in the fishery.

DATES: The 20,000 mt reallocation was effective from 0001 local time (l.t.) November 6, 2008, and the 15,000 mt allocation was effective from 1400 l.t. November 18, 2008, until the December 31, 2008, unless modified, superseded or rescinded. Comments will be accepted through December 16, 2008.

ADDRESSES: You may submit comments, identified by the RIN number 0648-XK69, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>

- Fax: 206-526-6736, Attn: Becky Renko

- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Becky Renko

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Fisheries, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115 0070; tel: 206-526-6110; fax: 206-526-6736; or, e-mail: becky.renko@noaa.gov.

SUPPLEMENTARY INFORMATION: This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California.

The 2008 non-tribal commercial OY for whiting is 232,545 mt. Regulations at 50 CFR 660.323(a)(2) divide the commercial whiting optimum yield (OY) into separate allocations for the catcher/processor, mothership, and shore-based sectors. The catcher/processor sector is composed of vessels that harvest and process whiting. The mothership sector is composed of catcher vessels that harvest whiting and mothership vessels that process, but do not harvest whiting. The shore-based sector is composed of vessels that harvest whiting for delivery to land-based processors. Each commercial sector receives a portion of the commercial OY. For 2008 the catcher/processors received 34 percent (79,065 mt), the motherships received 24 percent (55,811 mt), and the shore-based sector received 42 percent (97,669 mt).

The best available information on November 5, 2008, indicated that 20,000 mt of the 97,669 mt shore-based sector(s) allocation would not be used by December 31, 2008. Therefore, on November 5, 2008 NMFS reapportioned the surplus whiting. Such reapportionments are disbursed to the other sectors in the same proportion as each sector's allotted portion of the commercial OY. Facsimiles directly to fishing businesses and postings on the Northwest Regions internet site were used to provide actual notice to the affected fishers.

The best available information on November 18, 2008, indicated that an

additional 15,000 mt of the revised 77,669 mt shore-based sector's allocation would not be used by December 31, 2008. Therefore an additional surplus of 15,000 mt of whiting was reapportioned from the shore-based sector to the catcher/processor sector at 1400 local time November 18, 2008. Facsimiles directly to fishing businesses and postings on the Northwest Regions internet site were used to provide actual notice to the affected fishers.

NMFS Action

This action announces the reapportionment of 20,000 mt of whiting from the shore-based sector to the catcher/processor and mothership sectors at 0001 local time November 6, 2008. The revised Pacific whiting allocations by sector for 2008 as of November 6, 2008 were: catcher/processor 90,789 mt, mothership 64,087 mt, and shore-based 77,669 mt. This action also announces the reapportionment of 15,000 mt of whiting from the shore-based sector to the catcher/processor sector at 1400 local time November 18, 2008. The revised Pacific whiting allocations by sector as of November 18, 2008 are: catcher/processor 105,789 mt, mothership 64,087 mt, and shore-based 62,669 mt.

Classification

The determinations to take these actions were based on the most recent data available. The aggregate data upon which the determinations were based are available for public inspection at the Office of the Regional Administrator (see **ADDRESSES**) during business hours.

These actions are authorized by the regulations implementing the FMP. The Assistant Administrator for Fisheries, NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for comment on these actions pursuant to 5 U.S.C. 553 (3)(b)(B), because providing prior notice and opportunity would be impracticable and contrary to public interest. Delay of this action would leave whiting unharvested. In addition, the catcher/processors and motherships needed an immediate reallocation if they were to keep their workers employed. For these same reasons the agency finds good cause to waive the 30-day delay in effectiveness. These actions are taken under the authority of 50 CFR 660.323(c), and are exempt from

review under Executive Order 12866. Actual notice of the reapportionments was provided to the affected fishers.

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

Dated: November 25, 2008.

Emily H. Menashes,

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 660

[Docket No. 060824226-6322-02]

RIN 0648-AX43

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures; request for comments.

SUMMARY: This final rule announces inseason changes to management measures in the commercial Pacific Coast groundfish fisheries. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to allow fisheries to access more abundant groundfish stocks while protecting overfished and depleted stocks.

DATES: Effective 0001 hours (local time) December 1, 2008. Comments on this final rule must be received no later than 5 p.m., local time on December 26, 2008.

ADDRESSES: You may submit comments, identified by RIN 0648-AX43 by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- Fax: 206-526-6736, Attn: Gretchen Arentzen.

- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Gretchen Arentzen.

Instructions: All comments received are a part of the public record and will

generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter "N/A" in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT:

Gretchen Arentzen (Northwest Region, NMFS), phone: 206-526-6147, fax: 206-526-6736 and e-mail gretchen.arentzen@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule is accessible via the Internet at <http://www.gpoaccess.gov/fr/index.html>. Background information and documents are available at the Pacific Fishery Management Council's website at <http://www.pcouncil.org/>.

Background

The Pacific Coast Groundfish FMP and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subpart G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS. A proposed rule to implement the 2007-2008 specifications and management measures for the Pacific Coast groundfish fishery and Amendment 16-4 of the FMP was published on September 29, 2006 (71 FR 57764). The final rule to implement the 2007-2008 specifications and management measures for the Pacific Coast Groundfish Fishery was published on December 29, 2006 (71 FR 78638). These specifications and management measures are codified in the CFR (50 CFR part 660, subpart G). The final rule was subsequently amended on: March 20, 2007 (71 FR 13043); April 18, 2007 (72 FR 19390); July 5, 2007 (72 FR 36617); August 3, 2007 (72 FR 43193); September 18, 2007 (72 FR 53165); October 4, 2007 (72 FR 56664); December 4, 2007 (72 FR 68097); December 18, 2007 (72 FR 71583); April 18, 2008 (73 FR 21057), May 9, 2008 (73 FR 26325), July 24, 2008 (73 FR 43139),

October 7, 2008 (73 FR 58499), and October 14, 2008 (73 FR 60642).

Changes to current groundfish management measures implemented by this action were recommended by the Council, in consultation with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, at its November 2-7, 2008, meeting in San Diego, California. The Council recommended adjustments to current groundfish management measures to respond to updated fishery information and other inseason management needs. This action is not expected to result in greater impacts to overfished species than originally projected at the beginning of 2008. Estimated mortality of overfished and target species are the result of management measures designed to meet the Pacific Coast Groundfish FMP objective of achieving, to the extent possible, but not exceeding, OYs of target species, while fostering the rebuilding of overfished stocks by remaining within their rebuilding OYs.

Limited Entry Non-Whiting Trawl Fishery Management Measures

At their November 2008 meeting, the Council received new data and analyses on the catch of groundfish in the limited entry trawl fishery. The Council's recommendations for revising 2008 trawl fishery management measures provide additional harvest opportunities in some areas for target species with catches tracking behind projections.

Catches of petrale sole in the limited entry trawl fishery were tracking ahead of projections in spring 2008, when approximately 40 percent of the 2008 petrale sole OY was taken during the months of January and February. In response to projections that the 2008 petrale sole OY could be exceeded if the higher than projected catches continued throughout the year, the Council recommended, and NMFS implemented, precautionary reductions in petrale sole cumulative limits at their June 6-13, 2008, meeting. These reductions included a reduction in the cumulative limits for vessels using large and small footrope trawl gear from "40,000 lb (18,144 kg) per two months" to "30,000 lb (13,608 kg) per two months" in period 6 (November-December), and were intended to keep catches of petrale sole within the 2008 OY. At their September 10-14, 2008, meeting, the Council considered the most recent available fishery information and catch projections through the end of the year, which indicated that catches of petrale sole had slowed considerably from the high catches observed in January and