

(C) The long-handled dehookers described in paragraphs (a)(7)(i) and (ii) of this section meet this requirement.

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■ 7. In § 665.33, remove and reserve paragraphs (a), (c), and (e), and revise paragraphs (b) and (f) to read as follows:

§ 665.33 Western Pacific longline fishing restrictions.

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(b) *Limits on sea turtle interactions.*

(1) Maximum annual limits are established on the number of physical interactions that occur each calendar year between leatherback and loggerhead sea turtles and vessels registered for use under Hawaii longline limited access permits while shallow-setting.

(i) The annual limit for leatherback sea turtles (*Dermochelys coriacea*) is 16, and the annual limit for loggerhead sea turtles (*Caretta caretta*) is 46.

(ii) If any annual sea turtle interaction limit in paragraph (b)(i) of this section is exceeded in a calendar year, the annual limit for that sea turtle species will be adjusted downward the following year by the number of interactions by which the limit was exceeded.

(iii) No later than January 31 of each year the Regional Administrator will publish a notice in the **Federal Register** of the applicable annual sea turtle interaction limits established pursuant to paragraphs (b)(i) and (b)(ii) of this section.

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(f) Any owner or operator of a vessel registered for use under any longline permit issued under § 665.21 must use only circle hooks sized 18/0 or larger, with an offset not to exceed 10 degrees, when shallow-setting north of the Equator (0° lat.). As used in this paragraph, an offset circle hook sized 18/0 or larger is one with an outer diameter at its widest point no smaller than 1.97 inches (50 mm) when measured with the eye of the hook on the vertical axis (y-axis) and perpendicular to the horizontal axis (x-axis). As used in this paragraph, the allowable offset is measured from the barbed end of the hook, and is relative to the parallel plane of the eyed-end, or shank, of the hook when laid on its side.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 0907301200-91412-03]

RIN 0648-AY07

Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2010 Harvest Specifications and Management Measures for Petrale Sole

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

ACTION: Final rule.

SUMMARY: This final rule revises the 2010 Optimum Yield and the January-December 2010 management measures for petrale sole taken in the U.S. exclusive economic zone (EEZ) off the coasts of Washington, Oregon, and California.

DATES: Effective January 1, 2010.

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 the Office of the **Federal Register's** Website at <http://www.gpoaccess.gov/fr/index.html>. Background information and documents are available at the Pacific Fishery Management Council's (the Council or PFMC) website at <http://www.pcouncil.org/>. An Environmental Assessment (EA) was prepared for the proposals to revise the 2009-2010 harvest specifications and management measures for petrale sole and canary rockfish. A copy of the EA is available online at <http://www.nwr.noaa.gov/>.

Background

The 2009 and 2010 Acceptable Biological Catches (ABCs), Optimum Yields (OYs) and Harvest Guidelines (HGs) for Pacific coast groundfish species were established in the final rule for the 2009-2010 groundfish harvest specifications and management measures (74 FR 9874, March 6, 2009). On September 11, 2009, NMFS proposed taking interim measures for two species of groundfish petrale sole and canary rockfish - during 2009 and 2010 (74 FR 46714). Those changes were

proposed because the PFMC received new stock assessments of those species in June 2009 that indicated the stocks are in worse shape than had been thought at the beginning of 2009. On November 4, 2009, NMFS published the first of two final rules to implement a portion of the action described in the proposed rule; specifically, more restrictive management measures to reduce petrale sole catches in 2009 (74 FR 57117). This final rule implements another portion of the September 2009 proposed action for the year 2010 regarding petrale sole. These changes were considered and recommended by the Council at its November 2009 meeting in Costa Mesa, California. This final rule does not implement any changes to 2010 harvest specifications or management measures for canary rockfish (see Changes From the Proposed Rule).

This final action is taken to respond to the most recently available stock status information regarding petrale sole. The interim measures being implemented in this rule, in combination with the existing regulations, are designed to speed the rebuilding of petrale sole while NMFS and the Council complete the stock assessments, revised rebuilding plans, Environmental Impact Statement (EIS), and full rulemaking for the 2011 and 2012 specifications and management measures for the entire groundfish fishery.

The Council's policies on setting ABCs, OYs, other harvest specifications, and management measures are discussed in the preamble to the December 31, 2008, proposed rule (73 FR 80516) for 2009-2010 harvest specifications and management measures. The routine management measures, as described in the 2009-2010 proposed rule, will continue to be adjusted as necessary to modify fishing behavior during the fishing year to allow a harvest specification to be achieved, or to prevent a harvest specification from being exceeded.

Additional information regarding considerations for interim changes to 2010 harvest specifications and management measures for petrale sole can be found in the preamble to the September 2009 proposed rule (74 FR 46714).

Comments and Responses

NMFS received two letters of comment during the comment period for the proposed rule. The first was from the Department of the Interior, stating that it had no comment. The second was from Oceana, an environmental advocacy group, concerning the most

recent petrale sole stock assessment and biological reference points, and supporting interim measures to reduce petrale sole catch. Specifically, Oceana recommended greatly reducing trip limits for Periods 5 and 6, closing the petrale sole cutouts (areas that are left open to fishing for petrale sole under the “no action” alternative) in the Rockfish Conservation Area (RCA), and reducing coastwide petrale sole catch levels for 2009 and 2010. This rulemaking only addresses the interim changes to petrale sole management in 2010 (a prior rule addressed the changes for 2009). Consistent with Oceana’s recommendation, NOAA is reducing trip limits for the entire year and reducing coastwide petrale sole catch levels for 2010. NOAA is not closing the petrale sole cutouts in the RCA, because as explained below, the year-round reduction in trip limits keeps the fishery under the 2010 OY without the need for the closure of these petrale sole fishing areas. Oceana’s comments primarily focused on biological reference points for petrale sole that the Council considered at its November 2009 meeting. NMFS forwarded Oceana’s letter of comment to the Council, and those comments were considered prior to the Council’s November 2009 recommendation. The Council made recommendations on the biological reference points for petrale sole and the petrale sole rebuilding analysis for the 2011–2012 specifications and management measures. The measures and the rebuilding plan will be developed, reviewed and implemented through the 2011–2012 implementation process as described above. Final action is not being taken on those measures in this rule, and Oceana’s comments will be considered during the relevant rulemaking.

Changes from the Proposed Rule

The proposed rule included changes to management measures that would reduce the catch of petrale sole in November–December 2009. That portion of the proposed action was implemented in a separate final rule that became effective on November 1, 2009, and which was published in the **Federal Register** on November 4, 2009 (74 FR 57117). The proposed rule included reductions to 2010 OYs for canary rockfish and petrale sole. It also included a description of management measures for canary rockfish and petrale sole that could be implemented to allow the fisheries to approach, but not exceed, new, lower, 2010 OYs. At its September meeting, the Council chose to postpone its final decisions for interim 2010 harvest specifications and

management measures for petrale sole and canary rockfish in order to allow the new rebuilding analyses to be completed and considered prior to making its final recommendation. At its November meeting, the Council considered the rebuilding analyses and public comments prior to making its final recommendations. Therefore, this final rule addresses only the 2010 portion of the changes that were included in the proposed rule.

At its November 2009 meeting, the Council adopted the rebuilding analyses for petrale sole and canary rockfish for use in developing the 2011–2012 harvest specifications. These analyses were also considered in developing the interim specifications.

This final rule implements measures in 2010 to reduce catches of petrale sole that are very similar to the actions contained in the proposed rule. The petrale sole rebuilding analysis indicated a faster time to rebuild the stock with a 1,200 mt alternative OY, compared with the status quo (or “no action”) alternative of a 2,393 mt 2010 OY. The proposed rule would set a 2010 petrale sole OY of 1,193 mt, which was calculated based on the Council request to reduce the 2010 OY by 1,200 mt. The rebuilding analysis the Council received in November analyzed five alternative OYs for 2010: the status quo of 2,393 mt; an OY of 1,800 mt; an OY of 1,200 mt (7 mt higher than the proposed 2010 OY); and two lower OYs of 900 and 300 mt, respectively. Therefore, the rebuilding analyses that the Council considered prior to making its final recommendation included a petrale sole OY alternative for 2010 of 1,200 mt, rather than 1,193 mt. After considering this analysis, the Council recommended a 2010 petrale sole OY of 1,200 mt, which is only slightly higher than the proposed OY. The rebuilding analysis the Council considered in the November 2009 meeting showed that this OY level in 2010 would rebuild the petrale sole stock approximately one year faster than the status quo alternative, and that it could allow less drastic OY reductions during the rebuilding period. Accordingly, this rule implements a reduced petrale OY for 2010 of 1,200 mt.

The final rule will also implement management measures for 2010 to limit the petrale sole harvest to the new petrale sole OY. The management measures implemented in this final rule were developed jointly with fishery managers and trawl industry representatives at the Council’s November 2009 meeting. These final management measures are somewhat different from those in the proposed

rule. The proposed rule contained severely reduced trip limits in January–February (Period 1) and November–December (Period 6), as well as additional area closures during those times. These measures were proposed to restrict the winter petrale sole effort by eliminating directed harvest of petrale during these periods, when fewer vessels are participating, and to maintain summer fishing opportunity, when the price per pound is higher and when more vessels are targeting petrale sole. At the November 2009 Council meeting, however, the Groundfish Management Team (GMT) considered other measures for keeping the harvest within the new OY. Based on a request from industry, the GMT developed an alternative that would keep the trip limit for petrale sole at 9,500 lbs per two-month period all year. Because this approach would allow a small target fishery all year, it would not include the changes to the closed areas that were in the proposed rule. Trawl industry representatives advised the GMT and the Council that the severe restriction of winter petrale opportunities, as proposed, could place communities at risk of losing vital fishing infrastructure during that time of year, and could place industry at risk of losing market share for petrale sole, thus reducing the market availability for the rest of the year. Therefore, the Council recommended a trip limit configuration that would restrict trip limits all year, holding the cumulative limit constant at 9,500 lb per two month period from January–December, and maintaining the RCA with the petrale cutouts (or fishing areas) in Periods 1 and 6. These management measures are anticipated to limit the 2010 petrale sole harvest to the 1,200 OY level. These measures, in combination with the existing regulations, are designed to speed the rebuilding of the petrale sole stock.

This final rule will not implement 2010 changes for canary rockfish as outlined in the proposed rule. In November, the Council considered interim changes for 2010 after consideration of the new rebuilding analysis. For canary rockfish, the rebuilding analysis compared 15 rebuilding alternatives in considering revisions to the canary rockfish rebuilding plan and developing the 2011–2012 harvest specifications. Only one of the rebuilding alternatives indicated a one-year difference in the time to rebuild canary rockfish stocks between the low 2010 OY alternatives (44 mt) and the status quo (no action) alternative (105 mt). For all of the other 14 rebuilding alternatives, there was no

change in time to rebuild between either of the low 2010 OY alternatives (44 and 85 mt) and the status quo alternative. None of the proposed canary rockfish catch reductions made an appreciable difference in canary rockfish rebuilding parameters, including time to rebuild, nor did it make an appreciable difference in 2011 and 2012 rebuilding OYs. Therefore, the proposed action did not meet the purpose and need that was described in the preamble of the proposed rule and in the Environmental Assessment. In addition, canary rockfish is a very important incidentally caught species that is widely encountered in both commercial and recreational fisheries, so that immediate reductions would have a far reaching effect. Accordingly, the Council did not recommend any changes to the 2010 canary rockfish OY of 105 mt or management measures to achieve a lower OY.

Classification

The Administrator, Northwest Region, NMFS, has determined that the revisions to 2010 harvest specifications and management measures for petrale sole, which this final rule implements, are consistent with the Magnuson-Stevens Act, 16 U.S.C. §§ 1801 *et seq.*, and other applicable laws.

An EA was prepared for the revisions to the 2009–2010 harvest specifications and management measures for petrale sole and canary rockfish. A copy of the EA is available online at <http://www.nwr.noaa.gov/>. NMFS issued a Finding of No Significant Impact (FONSI) for this action. A copy of the FONSI is available from NMFS (see ADDRESSES).

NMFS utilizes the most recently available fishery information, scientific information, and stock assessments, to implement specifications and management measures biennially. Generally these management measures are implemented on January 1 of odd numbered years. The 2009–2010 biennial specifications and management measures were developed using the most recently available scientific information, stock assessments, and fishery information available at the time of drafting, and were implemented on March 1, 2009. A new, more pessimistic, stock assessment for petrale sole became available to the Council in June 2009.

In response to this assessment, the Council and NMFS took immediate action to reduce catches of petrale sole in order to facilitate rebuilding of the stock. The Council recommended, and NMFS published, a proposed rule on September 11, 2009, to, among other

things, reduce harvest of petrale sole in 2010. The comment period for this proposed rule closed on October 13, 2009. At its October 31 through November 5 meeting, the Council made its final recommendations for changes to 2010 harvest specifications and management measures for petrale sole.

In order that this final rule reducing the 2010 petrale sole OY and adjusting management measures may become effective January 1, 2010, and thus protect the petrale sole in 2010, NMFS finds good cause to waive a portion of the 30 day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3). Leaving the unrevised 2010 OY and management measures that directly affect catch of petrale sole in place could cause harm to petrale sole, because those management measures are not based on the most current scientific information. The commercial fishery is managed with two-month cumulative limits, so even a short delay in effectiveness could allow the fleets to harvest the entire Period 1 (January–February) two-month limit before the new, more restrictive, measures are effective. Delaying the effectiveness of this rule would also be confusing to the public, because with delayed effectiveness this rule would change trip limits in the midst of the two-month January–February cumulative trip limit period. Finally, delaying the effectiveness of these measures could require more drastic action in 2010 and beyond to reduce petrale sole catch, including possible fishery closures, to make up for harvest that would be allowed under the current 2010 management measures. Thus, a delay in effectiveness could ultimately cause economic harm to the fishing industry and associated fishing communities. These reasons constitute good cause under authority contained in 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication.

Pursuant to the procedures established to implement section 6 of Executive Order 12866, the Office of Management and Budget has determined that this final rule is not significant.

NMFS prepared a final Regulatory Flexibility Analysis (FRFA) as part of the regulatory impact review. Among other things, the FRFA incorporates the Initial Regulatory Flexibility Analysis (IRFA) and a summary of the analyses completed to support the action. A copy of the FRFA is available from NMFS (see ADDRESSES). To summarize the FRFA, per the requirements of 5 U.S.C. 604(a), most of the estimated 2,600 entities that harvest groundfish are considered small businesses under the

RFA. Entities involved in the fishery that are not small businesses include the catcher vessels that also fish off Alaska, some shoreside processors, and all catcher-processors and motherships (fewer than 30) that are affiliated with larger processing companies or large international seafood companies. Under the status quo (no action) petrale sole alternative (P1), groundfish revenues in 2010 by the non-whiting trawl fleet (139 vessels) would be about \$28 million. Under the interim measures in this final rule, the vessels in this fishery would collectively earn about \$26 million in 2010. Between 30 and 35 of these vessels would see their revenues fall by more than 5 percent (see Tables 4–1 and 4–2 of the EA).

Although this final rule will reduce the overall take and per vessel take of petrale sole, the total reduction in the catch levels for all Pacific coast groundfish species for 2010 is relatively low. The measures being implemented in this rule, in combination with the existing regulations, are designed to speed the rebuilding of petrale sole and moderate the severity of future reductions in the petrale sole OY under a rebuilding plan. In order to mitigate the adverse effect of lower petrale sole catches in 2010, the Council recommended additional opportunities for trawlers to harvest Dover sole, chilipepper rockfish, shortspine and longspine thornyheads, slope rockfish, and sablefish in 2010, and these recommendations are under consideration by NOAA for implementation in a separate rulemaking. These are species where additional harvest amounts can be accommodated without exceeding an OY.

There are no reporting, recordkeeping or other compliance requirements in this final rule.

No Federal rules have been identified that duplicate, overlap, or conflict with this action.

NMFS issued Biological Opinions under the Endangered Species Act (ESA) on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the Pacific Coast groundfish fishery management plan (FMP) fisheries on Chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley spring, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal), chum salmon (Hood Canal summer, Columbia River), sockeye

salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south/central California, northern California, southern California). These biological opinions concluded that implementation of the FMP for the Pacific Coast groundfish fishery was not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat.

NMFS reinitiated a formal Section 7 consultation under the ESA in 2005 for both the Pacific whiting midwater trawl fishery and the groundfish bottom trawl fishery. Also in 2005, new data from the West Coast Groundfish Observer Program became available, allowing NMFS to complete an analysis of salmon take in the bottom trawl fishery.

On March 11, 2006, using this data, NMFS issued a Supplemental Biological Opinion that addressed salmon take in both the Pacific whiting midwater trawl and groundfish bottom trawl fisheries, including the effects of these fisheries on Lower Columbia River coho, which were listed in 2005 (70 FR 37160, June 28, 2005). In its 2006 Supplemental Biological Opinion, NMFS concluded that incidental take of salmon in the groundfish fisheries is within the overall limits articulated in the Incidental Take Statement of the 1999 Biological Opinion. The groundfish

bottom trawl limit from that opinion was 9,000 fish annually. NMFS will continue to monitor and collect data to analyze take levels. NMFS also reaffirmed its prior determination that implementation of the Groundfish FMP is not likely to jeopardize the continued existence of any of the affected ESUs.

Oregon Coastal coho were recently re-listed as threatened under the ESA (73 FR 7816, February 11, 2008). The 1999 Biological Opinion and 2006 Supplemental Biological Opinion both concluded that the bycatch of salmonids in the Pacific coast groundfish bottom trawl fishery were almost entirely Chinook salmon, with little or no bycatch of coho, chum, sockeye, and steelhead.

The Southern Distinct Population Segment (DPS) of green sturgeon were also recently listed as threatened under the ESA (71 FR 17757, April 7, 2006). As a consequence, NMFS has reinitiated its Section 7 consultation on the PFMC's Groundfish FMP.

After reviewing the available information, NMFS concluded that, in keeping with sections 7(a)(2) and 7(d) of the ESA, the proposed action would not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

With regard to marine mammals, sea turtles, and seabirds, NMFS is reviewing the available data on fishery interactions. In addition, NMFS has begun discussions with Council staff on

the process to address the concerns, if any, that arise from our review of the data.

Pursuant to Executive Order 13175, the interim changes to the 2010 petrale sole OY and the groundfish management measures for petrale sole were developed after meaningful consultation and collaboration with tribal officials from the area covered by the FMP. Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council must be a representative of an Indian tribe with federally recognized fishing rights from the area of the Council's jurisdiction.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Indian Fisheries.

Dated: December 7, 2009.

John Oliver,

Deputy Assistant Administrator For Operations, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

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

■ 2. Table 2a, and footnote “/k” following Tables 2a through 2c, are revised to read as follows:

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Table 2a. To Part 660, Subpart G-2010, Specifications of ABCs, OYs, and HGs, by Management Area (weights in metric tons).

Species	ABC Specifications						OY	HG b/	
	ABC Contributions by Area					ABC		Commercial	Recreation- al
	ABC Contributions by Area								
	Vancouver a/	Columbia	Eureka	Monterey	Conception				
ROUNDFISH:									
Lingcod c/									
N of 42 N. lat.	4,058			771		4,829	4,829		
S of 42 N. lat.									
Pacific Cod e/	3,200			d/		3,200	1,600		
Pacific Whiting f/				f/			134,773 - 404,318		
Sablefish g/									
N of 36 N. lat.			9,217			9,217	6,471		
S of 36 N. lat.							1,258		
Cabezon h/									
S of 42 N. lat.	d/			86	25	111	79		
FLATFISH:									
Dover sole			28,582			28,582	16,500		
English sole j/			9,745			9,745	9,745	-	
Petrale sole k/	1,514			1,237		2,751	1,200	-	
Arrowtooth flounder l/			10,112			10,112	10,112	-	
Starry Flounder m/			1,578			1,578	1,077		
Other flatfish n/			6,731			6,731	4,884	-	
ROCKFISH:									
Pacific Ocean Perch o/		1,173				1,173	200		198

Species	ABC Specifications							OY	HG b/	
	ABC Contributions by Area					ABC	al		Recreation	
	Vancouver a/	Columbia	Eureka	Monterey	Concepti on					
Shortbelly p/	6,950					6,950	6,950			
Widow q/	6,937					6,937	509	447.4	7.2	
Canary r/	940					940	44 - 105			
Chilipepper s/	d/			2,576		2,576	2,447	2,447		
Bocaccio t/	d/			793		793	288	206.4	67.3	
Splitnose u/	d/			615		615	461			
Yellowtail v/	4,562			d/		4,562	4,562			
Shortspine thornyhead w/ N of 34 27' N. lat.	2,411					2,411	1,591	1,591		
S of 34 27' N. lat.							410			
Longspine thornyhead										
x/ N of 34 27' N. lat.	3,671					3,671	2,175			
S of 34 27' N. lat.							385			
Cowcod y/	d/			14		14	4			
Darkblotched z/	440					440	291	288.05		
Yelloweye aa/										
California Scorpionfish					155	155	155	3.1	8.0	
bb/										
Black cc/										
N of 46 16' N. lat.	464					464	464			
S of 46 16' N. lat.		1,317				1,317	1,000			

Species	ABC Specifications						OY	HG b/	
	ABC Contributions by Area					ABC		Commerci al	Recreation al
	ABC Contributions by Area								
	Vancouve r a/	Columbia	Eureka	Monterey	Concepti on				
Minor Rockfish dd/ N of 40 10' N. lat.	3,678				--	3,678	2,283		
Minor Rockfish ee/ S of 40 10' N. lat.	--				3,382	3,382	1,990		
Remaining	1,640				1,318				
bank ff/	d/				350				
blackgill gg/	d/				292				
blue	28				211				
bocaccio north	318				--				
chilipepper north	32				--				
redstripe	576				d/				
sharpchin	307				45				
silvergrey	38				d/				
splitnose north	242				--				
yellowmouth	99				d/				
yellowtail	--				116				
gopher	d/				302				
Other rockfish hh/	2,038				2,066				
SHARKS/SKATES/RATFISH/MORIDS/GRENADIERS/KELP GREENLING:									
Longnose Skate ii/	3,269					3,269	1,349		
Other fish jj/	11,200					11,200	5,600		

* * * * *

/k A petrale sole stock assessment was prepared for 2005. In 2005 the petrale sole stock was estimated to be at 32 percent of its unfished biomass coastwide (34 percent in the northern assessment area and 29 percent in the southern assessment area). The 2010 ABC of 2,751 mt is based on the 2005

assessment with a F40% FMSY proxy. To derive the 2010 OY, the 40 10 harvest policy was applied to the ABC for both the northern and southern assessment areas. As a precautionary measure, an additional 25 percent reduction was made in the OY contribution for the southern area due to assessment uncertainty. As another

precautionary measure, an additional 1,193 mt reduction was made in the coastwide OY due to preliminary results of the more pessimistic 2009 stock assessment. The coastwide OY is 1,200 mt in 2010.

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■ 3. Tables 3 (North) and 3 (South) to part 660, subpart G are revised to read as follows:

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Table 3 (North) to Part 660, Subpart G -- 2010 Trip Limits for Limited Entry Trawl Gear North of 40°10' N. Lat.

Other Limits and Requirements Apply -- Read § 660.301 - § 660.399 before using this table

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JAN-FEB							MAR-APR		MAY-JUN		JUL-AUG		SEP-OCT		NOV-DEC	
Rockfish Conservation Area (RCA)^{6/}:							shore - modified ^{7/} 200 fm line ^{6/}		shore - 200 fm line ^{6/}		shore - 150 fm line ^{6/}		shore - 200 fm line ^{6/}		shore - modified ^{7/} 200 fm line ^{6/}	
North of 48°10' N. lat.																
48°10' N. lat. - 45°46' N. lat.							75 fm line ^{6/} - modified ^{7/} 200 fm line ^{6/}		75 fm line ^{6/} - 200 fm line ^{6/}		75 fm line ^{6/} - 150 fm line ^{6/}		100 fm line ^{6/} - 150 fm line ^{6/}		75 fm line ^{6/} - modified ^{7/} 200 fm line ^{6/}	
45°46' N. lat. - 40°10' N. lat.											75 fm line ^{6/} - 200 fm line ^{6/}		100 fm line ^{6/} - 200 fm line ^{6/}			
Selective flatfish trawl gear is required shoreward of the RCA; all trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope and small footrope trawl gears (except for selective flatfish trawl gear) are prohibited shoreward of the RCA. Midwater trawl gear is permitted only for vessels participating in the primary whiting season.																
See § 660.370 and § 660.381 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).																
State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.																
Minor slope rockfish ^{2/} & Darkblotched rockfish							1,500 lb/ 2 months					4,000 lb/ 2 months				
Pacific ocean perch							1,500 lb/ 2 months									
DTS complex																
Sablefish																
large & small footrope gear							18,000 lb/ 2 months		22,000 lb/ 2 months		24,000 lb/ 2 months		27,000 lb/ 2 months			
selective flatfish trawl gear							5,000 lb/ 2 months		7,500 lb/ 2 months			11,000 lb/ 2 months				
multiple bottom trawl gear ^{8/}							5,000 lb/ 2 months		7,500 lb/ 2 months			11,000 lb/ 2 months				
Longspine thornyhead																
large & small footrope gear							22,000 lb/ 2 months									
selective flatfish trawl gear							3,000 lb/ 2 months		5,000 lb/ 2 months					3,000 lb/ 2 months		
multiple bottom trawl gear ^{8/}							3,000 lb/ 2 months		5,000 lb/ 2 months					3,000 lb/ 2 months		
Shortspine thornyhead																
large & small footrope gear							17,000 lb/ 2 months									
selective flatfish trawl gear							3,000 lb/ 2 months									
multiple bottom trawl gear ^{8/}							3,000 lb/ 2 months									
Dover sole																
large & small footrope gear							110,000 lb/ 2 months									
selective flatfish trawl gear							40,000 lb/ 2 months		45,000 lb/ 2 months					40,000 lb/ 2 months		

TABLE 3 (North)

TABLE 3 (North)

Table 3 (North). Continued

Table 3 (North): Continued

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
23	Whiting						
	midwater trawl	Before the primary whiting season: CLOSED. — During the primary season: mid-water trawl permitted in the RCA. See §660.373 for season and trip limit details. — After the primary whiting season: CLOSED.					
24							
25	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. — During the primary season: 10,000 lb/trip. — After the primary whiting season: 10,000 lb/trip.					
26	Flatfish (except Dover sole)						
27	Arrowtooth flounder						
28	large & small footrope gear	150,000 lb/ 2 months				180,000 lb/ 2 months	
29	selective flatfish trawl gear	90,000 lb/ 2 months					
30	multiple bottom trawl gear ^{8/}	90,000 lb/ 2 months					
31	Other flatfish ^{3/} , English sole, starry flounder, & Petrale sole						
	large & small footrope gear for Other flatfish ^{3/} , English sole, & starry flounder	110,000 lb/ 2 months	110,000 lb/ 2 months, no more than 9,500 lb/ 2 months of which may be petrale sole.				110,000 lb/ 2 months
32							
	large & small footrope gear for Petrale sole	9,500 lb/ 2 months					9,500 lb/ 2 months
33							
	selective flatfish trawl gear for Other flatfish ^{3/} , English sole, & starry flounder	90,000 lb/ 2 months, no more than 9,500 lb/ 2 months of which may be petrale sole.					
34							
	selective flatfish trawl gear for Petrale sole						
35							
36	multiple bottom trawl gear ^{8/}	90,000 lb/ 2 months, no more than 9,500 lb/ 2 months of which may be petrale sole.					
	Minor shelf rockfish ^{1/} , Shortbelly, Widow & Yelloweye rockfish						
37							
	midwater trawl for Widow rockfish	Before the primary whiting season: CLOSED. — During primary whiting season: In trips of at least 10,000 lb of whiting, combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month. Mid-water trawl permitted in the RCA. See §660.373 for primary whiting season and trip limit details. — After the primary whiting season: CLOSED.					
38							
39	large & small footrope gear	300 lb/ 2 months					
	selective flatfish trawl gear	300 lb/ month		1,000 lb/ month, no more than 200 lb/ month of which may be yelloweye rockfish			300 lb/ month
40							
	multiple bottom trawl gear ^{8/}	300 lb/ month		300 lb/ 2 months, no more than 200 lb/ month of which may be yelloweye rockfish			300 lb/ month
41							

TABLE 3 (North) cont

TABLE 3 (North) con't

Table 3 (North). Continued

Table 3 (North). Continued

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
42	Canary rockfish					
43	large & small footrope gear					
44	selective flatfish trawl gear					
45	multiple bottom trawl gear ^{8/}					
46	Yellowtail					
47	midwater trawl					
48	large & small footrope gear					
49	selective flatfish trawl gear					
50	multiple bottom trawl gear ^{8/}					
51	Minor nearshore rockfish & Black rockfish					
52	large & small footrope gear					
53	selective flatfish trawl gear					
54	multiple bottom trawl gear ^{8/}					
55	Lingcod ^{4/}					
56	large & small footrope gear					
57	selective flatfish trawl gear					
58	multiple bottom trawl gear ^{8/}					
59	Pacific cod					
60	Spiny dogfish					
61	Other Fish ^{5/}					

TABLE 3 (North) cont

TABLE 3 (North) con't

1/ Bocaccio, chilipepper and cowcod are included in the trip limits for minor shelf rockfish.

2/ Splittnose rockfish is included in the trip limits for minor slope rockfish.

3/ "Other flatfish" are defined at § 660.302 and include butter sole, curffin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

5/ "Other fish" are defined at § 660.302 and include sharks, skates (including longnose skate), ratfish, morids, grenadiers, and kelp greenling.

Cabezon is included in the trip limits for "other fish."

6/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.391-660.394. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

7/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.

8/ If a vessel has both selective flatfish gear and large or small footrope gear on board during a cumulative limit period (either simultaneously or successively), the most restrictive cumulative limit for any gear on board during the cumulative limit period applies for the entire cumulative limit period.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3 (South) to Part 660, Subpart G -- 2010 Trip Limits for Limited Entry Trawl Gear South of 40°10' N. Lat.

Other Limits and Requirements Apply -- Read § 660.301 - § 660.399 before using this table

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TABLE 3 (South)

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area (RCA)^{6/} :						
1 South of 40°10' N. lat.	100 fm line ^{6/} - 150 fm line ^{6/ 7/}					
All trawl gear (large footrope, selective flatfish trawl, midwater trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope trawl gear and midwater trawl gear are prohibited shoreward of the RCA.						
See § 660.370 and § 660.381 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
2 Minor slope rockfish ^{2/} & Darkblotched rockfish						
3 40°10' - 38° N. lat.	15,000 lb/ 2 months			10,000 lb/ 2 months	15,000 lb/ 2 months	18,000 lb/ 2 months
4 South of 38° N. lat.	55,000 lb/ 2 months					
5 Splitnose						
6 40°10' - 38° N. lat.	15,000 lb/ 2 months			10,000 lb/ 2 months		15,000 lb/ 2 months
7 South of 38° N. lat.	55,000 lb/ 2 months					
8 DTS complex						
9 Sablefish	20,000 lb/ 2 months				27,000 lb/ 2 months	
10 Longspine thornyhead	22,000 lb/ 2 months					
11 Shortspine thornyhead	17,000 lb/ 2 months					
12 Dover sole	110,000 lb/ 2 months					
13 Flatfish (except Dover sole)						
14 Other flatfish ^{3/} , English sole, & starry flounder	110,000 lb/ 2 months	110,000 lb/ 2 months, no more than 9,500 lb/ 2 months of which may be petrale sole.				110,000 lb/ 2 months
15 Petrale sole	9,500 lb/ 2 months					9,500 lb/ 2 months
16 Arrowtooth flounder	10,000 lb/ 2 months					
17 Whiting						
18 midwater trawl	Before the primary whiting season: CLOSED. – During the primary season: mid-water trawl permitted in the RCA. See §660.373 for season and trip limit details. – After the primary whiting season: CLOSED.					
19 large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. – During the primary season: 10,000 lb/trip. – After the primary whiting season: 10,000 lb/trip.					

TABLE 3 (South)

Table 3 (South). Continued

TABLE 3 (South) cont

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Minor shelf rockfish ^{1/} , Chilipepper, Shortbelly, Widow, & Yelloweye rockfish						
20 large footrope or midwater trawl for Minor shelf rockfish & Shortbelly	300 lb/ month					
21 large footrope or midwater trawl for Chilipepper	5,000 lb/ 2 months			12,000 lb/ 2 months		
22 large footrope or midwater trawl for Widow & Yelloweye	CLOSED					
23 small footrope trawl for Minor Shelf, Shortbelly, Widow & Yelloweye	300 lb/ month					
24 small footrope trawl for Chilipepper	5,000 lb/ 2 months			12,000 lb/ 2 months		
25 Bocaccio						
26 large footrope or midwater trawl	300 lb/ 2 months					
27 small footrope trawl	CLOSED					
28 Canary rockfish						
29 large footrope or midwater trawl	CLOSED					
30 small footrope trawl	100 lb/ month	300 lb/ month		100 lb/ month		
31 Cowcod	CLOSED					
32 Bronzespotted rockfish	CLOSED					
33 Minor nearshore rockfish & Black rockfish						
34 large footrope or midwater trawl	CLOSED					
35 small footrope trawl	300 lb/ month					
36 Lingcod ^{4/}						
37 large footrope or midwater trawl	1,200 lb/ 2 months	4,000 lb/ 2 months				
38 small footrope trawl		1,200 lb/ 2 months				
39 Pacific cod	30,000 lb/ 2 months		70,000 lb/ 2 months			30,000 lb/ 2 months
40 Spiny dogfish	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
41 Other Fish ^{5/} & Cabezon	Not limited					

TABLE 3 (South) con't

1/ Yellowtail is included in the trip limits for minor shelf rockfish. Bronzespotted rockfish have a species specific trip limit.

2/ POP is included in the trip limits for minor slope rockfish.

3/ "Other flatfish" are defined at § 660.302 and include butter sole, curfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ The minimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

5/ Other fish are defined at § 660.302 and include sharks, skates (including longnose skate), ratfish, morids, grenadiers, and kelp greenling.

6/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.391-660.394. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

7/ South of 34°27' N. lat., the RCA is 100 fm line - 150 fm line along the mainland coast; shoreline - 150 fm line around islands.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.