



This document is scheduled to be published in the Federal Register on 05/13/2014 and available online at <http://federalregister.gov/a/2014-10937>, and on FDsys.gov

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130808694-4378-03]

RIN 0648-BD37

Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast

Groundfish Fishery; Commercial Groundfish Fishery Management Measures; Rockfish

Conservation Area Boundaries for Vessels Using Bottom Trawl Gear; Correction

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

ACTION: Final rule; correcting amendment.

SUMMARY: This action contains coordinate corrections to the Rockfish Conservation Area (RCA) boundary regulations that published in the Federal Register on April 17, 2014. This document corrects 2014 groundfish bottom trawl Rockfish Conservation Area boundary coordinates described in table 1 (North) that were inadvertently misreported in Rockfish Conservation Area Boundaries for Vessels Using Bottom Trawl Gear final rule.

DATES: This correcting amendment is effective [insert date of publication in the FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Colby Brady, 206-526-6117; Colby.brady@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The 2013-2014 Biennial Specifications and Management Measures rule established the 2013–2014 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California consistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Pacific Coast Groundfish Fishery Management Plan (PCGFMP) (78 FR 580, January 3, 2013). Since 2002 NMFS has used large-scale, depth-based closures to reduce catch of overfished groundfish, while still allowing the harvest of healthy stocks to the extent possible. RCAs are gear specific closures, and apply to vessels that take and retain groundfish species. Regarding RCA coordinates, there was an error in the 2014 Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances table 1 (North) coordinates published in the Federal Register (79 FR 21639). Three intended references to 45° 46' N. lat. as published in lines 2, 3, and 4 of table 1 (North) were not correctly specified. As published, Line 2 incorrectly specified 45° 16' N. lat., instead of the correct reference, 45° 46' N. lat.; and lines 3 and 4 incorrectly specified 45° 10' N. lat., instead of the correct reference, 45° 46' N. lat. As published, line 3 described the shoreward line, and line 4 described the seaward lines. This rule will delete line 4 and describe the range of shoreward and seaward boundary lines within line 3, consistent with the format of the rest of the table. This action is to correct the 2014 Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances Table 1 (North) to part 660, subpart D as published, in order to properly reflect the trip limit table coordinates as intended by the Agency in the Trawl RCA final rule (79 FR 21639).

Classification

The Assistant Administrator (AA) for Fisheries, NOAA, finds that pursuant to 5 U.S.C.553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. This notice corrects coordinates in the 2014 Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances Table 1 (North) to part 660, subpart D that were inadvertently misreported in the Rockfish Conservation Area Boundaries for Vessels Using Bottom Trawl Gear final rule. This correction must be implemented in a timely manner to avoid confusion to the public likely to be caused by the errors in the table and avoid the potential for fishing in an area that was intended to be closed for conservation purposes. It would be contrary to the public interest to delay implementation of these changes until after public notice and comment, because making this regulatory change by [insert date of publication in the FEDERAL REGISTER], corrects the errors and avoids confusion created by the above-referenced table and the potential for fishing in an area intended to be closed for conservation purposes. For the reasons above, the AA finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness and makes this rule effective immediately upon publication.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian fisheries.

Dated: May 7, 2014

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is corrected by making the following correcting amendments:

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. and 16 U.S.C. 773 et seq.

2. Table 1 (North) to part 660, subpart D, is revised to read as follows:

TABLE 1 (North)

Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply – Read § 660.10 - § 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)^{1/}:						
1 North of 48°10' N. lat.	shore - modified ^{2/} 200 fm line ^{1/}	shore - 200 fm line ^{1/}	shore - 150 fm line ^{1/}	shore - 200 fm line ^{1/}	shore - modified ^{2/} 200 fm line ^{1/}	
2 48°10' N. lat. - 45°46' N. lat.			100 fm line ^{1/} - 150 fm line ^{1/}			
3 45° 46' N. lat. - 40°10' N. lat.	100 fm line ^{1/} - modified ^{2/} 200 fm line ^{1/}		100 fm line ^{1/} - 200 fm line ^{1/}		100 fm line ^{1/} - modified ^{2/} 200 fm line ^{1/}	
Selective flatfish trawl gear is required shoreward of the RCA; all bottom 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. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 1 (North) and 1 (South) to Part 660, Subpart E.						
See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70-660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCAs, 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.						
4 Minor nearshore rockfish & Black rockfish			300 lb/ month			
5 Whiting						
6 midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.					
7 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.					
8 Cabezon						
9 North of 46°16' N. lat.		Unlimited				
10 46°16' N. lat. - 40°10' N. lat.		50 lb/ month				
11 Shortbelly		Unlimited				
12 Spiny dogfish		60,000 lb/ month				
13 Longnose skate		Unlimited				
14 Other Fish ^{3/}		Unlimited				

1/ 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 §§ 660.71-660.74. 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.

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

3/ "Other fish" are defined at § 660.11 and include sharks (except spiny dogfish), skates (except longnose skate), ratfish, morids, grenadiers, and kelp greenling.

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