

TABLE 1. TILEFISH FULL-TIME TIER 2 CATEGORY 2008 LANDINGS AND OVERAGE

Permit Category	2008 Quota		2008 Landings		2008 Overage	
	Lb	Kg ¹	Lb	Kg ¹	Lb	Kg ¹
Full-time Tier 2	284,288	128,951	291,620	132,277	7,332	3,326

¹ Kilograms are as converted from pounds, and may not necessarily add due to rounding.

TABLE 2. TILEFISH FULL-TIME TIER 2 CATEGORY ADJUSTED FY 2009 QUOTA

Permit Category	2009 Initial Quota		2009 Adjusted Quota	
	Lb	Kg ¹	Lb	Kg ¹
Full-time Tier 2	284,288	128,951	276,956	125,625

¹ Kilograms are as converted from pounds, and may not necessarily add due to rounding.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator finds good cause to waive prior notice and opportunity for public comment as notice and comment would be impracticable and unnecessary. The regulations under § 648.290(c) requires the Regional Administrator to subtract any overage of the quota for any tilefish limited access category from the quota for that category in the following fishing year. Accordingly, the action being taken by this temporary rule is nondiscretionary. There is no discretion to modify this action based on public comment at this time. The rate of harvest of tilefish by the Full-time permit category is updated weekly on the internet at <http://www.nero.noaa.gov>. Accordingly, the public is able to obtain information that would provide at least some advanced notice of a potential action as a result of a tilefish quota being exceeded during FY 2008. Further, the potential for this action was considered and open to public comment during the development of the tilefish FMP. Therefore, any negative effect the waiving of public comment may have on the public is mitigated by these factors.

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

Dated: October 1, 2008.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E8-23720 Filed 10-6-08; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 0809231252-81272-01]

RIN 0648-AX28

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

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures; correcting amendment.

SUMMARY: NMFS announces correction to Federal regulations for the West Coast groundfish fishery. This action corrects trip limits for vessels using multiple bottom trawl gears, which were published in a final rule. That final rule announced inseason changes to management measures in the commercial Pacific Coast groundfish fisheries. This correction is intended to eliminate any confusion for the public that may have occurred as a result of prior incorrect NMFS publications.

DATES: Effective 0001 hours (local time) October 7, 2008. Comments on this final rule must be received no later than 5 p.m., local time on November 6, 2008.

ADDRESSES: You may submit comments, identified by RIN 0648-AX28 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. 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 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 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); and July 24, 2008 (73 FR 43139).

The July 24, 2008 final rule implemented inseason adjustments to groundfish management measures to respond to updated fishery information and other inseason management needs, effective August 1, 2008 (73 FR 43139). This final rule, in part, adjusted trip limits in the limited entry non-whiting trawl fishery North of 40°10.00' N. lat. NMFS accepted public comments on this final rule through August 25, 2008. No comments were received regarding this final rule.

Multiple types of bottom trawl gear are used in this sector of the fishery, including large footrope and small footrope trawl gears. Trip limits for some species, presented in Table 3 (North) to part 660 subpart G, are gear-specific due to differences in selectivity. Providing differential trip limits based on gear selectivity is a management measure that is 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 depleted stocks by remaining within their rebuilding OYs.

In the northern bottom trawl fishery, which is structured around gear-specific cumulative trip limits, use of multiple gear types during a single trip has required the designation of cumulative trip limits on trips in which multiple types of gears are used or are on board the fishing vessel. This is useful for enforcement of cumulative trip limits, and catch accounting. Regulations that define cumulative trip limits, if more than one type of trawl gear is on board the vessel, are at 50 CFR 660.381(c)(4)(i)(D). In these regulations, vessels with multiple trawl gears on board at

any time during the cumulative limit period are subject to the smaller of the limits, for the gears on board, for that entire cumulative limit period. In addition to this text description in the regulations, Table 3 (North) provides the numerical value for the most restrictive gear-specific trip limits in a line titled “multiple bottom trawl gears”. An additional description is provided in the 8th footnote to that table.

In the July 24, 2008 inseason final rule, gear specific trip limits for sablefish and Dover sole, taken by vessels using selective flatfish trawl gear, were raised from August 1 through the remainder of the year, consistent with the recommendation by the Council at its June 6–13, 2008, meeting in Foster City, California. For these species, gear-specific trip limits for vessels using selective flatfish trawl gear are the most restrictive. Therefore, the lines in Table 3 (North) describing the “multiple bottom trawl gears” trip limits for these species should be equal to the selective flatfish trawl limits over the entire year. The numerical value for “multiple bottom trawl gears”, which should be equal to the cumulative limits for selective flatfish trawl gear, were not increased. An oversight created an inconsistency between the most restrictive gear-specific cumulative trip limits, which are repeated in lines 14 and 26 in Table 3 (North), and described in the table’s 8th footnote and the regulations at § 660.381. This correction publishes Table 3 (North) with numerical values in the lines defining cumulative trip limits for vessels using “multiple bottom trawl gears” corrected to reflect the most restrictive gear-specific cumulative trip limits for sablefish and Dover sole, consistent with the table’s 8th footnote, regulatory text at § 660.381(c)(4)(i)(D), and the Council’s June recommendations for inseason modifications to cumulative trip limits.

Classification

The Assistant Administrator for Fisheries (AA), NOAA, finds good cause to waive the requirement to provide prior notice and opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B); providing prior notice and opportunity for comment would be contrary to the public interest.

This correction document revises Table 3 (North) to part 660, subpart G of the Code of Federal Regulations so that the cumulative trip limits for vessels using “multiple bottom trawl gears”, taking and retaining sablefish and Dover sole, are consistent with regulations at § 660.381(c)(4)(i)(D).

Allowing inconsistencies caused by an oversight to remain in the **Federal Register** would be contrary to the public interest. It would leave language in the CFR that implies that trip limits for vessels using multiple trawl gear are unnecessarily lower than described in the regulatory text, and are unnecessarily lower than the most restrictive gear-specific cumulative trip limit shown in Table 3 (North). This correction is intended to allow increased harvest opportunities for healthy groundfish stocks, so that NMFS may meet its obligations under the Groundfish FMP to achieve, to the extent possible, the OYs of target species. Failing to meet this obligation as quickly as possible would be contrary to the public interest, as it would unnecessarily restrict cumulative trip limits for vessels using multiple bottom trawl gears. The use of cumulative trip limits for vessels using multiple bottom trawl gears were analyzed in the 2005–2006 groundfish specifications and management measures Environmental Impact Statement and clearly described in the preamble to the inseason final rule, implemented on April 1, 2005 (70 FR 16145, March 30, 2005). Prior notice and opportunity for comment was provided earlier because both the EIS and the final rule were made available for public comment, and no comments were received pertaining to the representation of “multiple bottom trawl gear” cumulative trip limits in Table 3 (North).

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based on the reasons provided above for waiver of prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 660

Fishing, Fisheries, and Indian Fisheries.

Dated: October 1, 2008.

James W. Balsiger,

Acting Assistant Administrator For Fisheries, 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 3 (North) to part 660 subpart G is revised to read as follows:

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Table 3 (North) to Part 660, Subpart G -- 2007-2008 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/}:							
1	North of 48°10.00' N. lat.	shore - modified 200 fm ^{7/}	shore - 200 fm	shore - 150 fm		shore - modified 200 fm ^{7/}	
2	48°10.00' N. lat. - 46°38.17' N. lat.	75 fm - modified 200 fm ^{7/}	60 fm - 200 fm	60 fm - 150 fm		75 fm - modified 200 fm ^{7/}	
3	46°38.17' N. lat. - 46°16.00' N. lat.		60 fm - 200 fm		60 fm - 150 fm		
4	46°16.00' N. lat. - 45°46.00' N. lat.		75 fm - 200 fm	75 fm - 150 fm			75 fm - 200 fm
5	45°46.00' N. lat. - 43°20.83' N. lat.		75 fm - 200 fm				
6	43°20.83' N. lat. - 42°40.50' N. lat.	shore - modified 200 fm ^{7/}	shore - 200fm			shore - modified 200 fm ^{7/}	
7	42°40.50' N. lat. - 40°10.00' N. lat.	75 fm - modified 200 fm ^{7/}	75 fm - 200 fm	60 fm - 200 fm		75 fm - modified 200 fm ^{7/}	

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 trawl gear is 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, Cordeil Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

8	Minor slope rockfish ^{2/} & Darkblotched rockfish	1,500 lb/ 2 months				
9	Pacific ocean perch	1,500 lb/ 2 months				
10	DTS complex					
11	Sablefish					
12	large & small footrope gear	14,000 lb/ 2 months	19,000 lb/ 2 months	24,000 lb/ 2 months	19,000 lb/ 2 months	
13	selective flatfish trawl gear	5,000 lb/ 2 months		7,000 lb/ 2 months		
14	multiple bottom trawl gear ^{8/}	5,000 lb/ 2 months		7,000 lb/ 2 months		
15	Longspine thomyhead					
16	large & small footrope gear	25,000 lb/ 2 months				
17	selective flatfish trawl gear	3,000 lb/ 2 months				
18	multiple bottom trawl gear ^{8/}	3,000 lb/ 2 months				
19	Shortspine thomyhead					
20	large & small footrope gear	12,000 lb/ 2 months	25,000 lb/ 2 months			
21	selective flatfish trawl gear	3,000 lb/ 2 months				
22	multiple bottom trawl gear ^{8/}	3,000 lb/ 2 months				
23	Dover sole					
24	large & small footrope gear	80,000 lb/ 2 months				
25	selective flatfish trawl gear	40,000 lb/ 2 months	50,000 lb/ 2 months	40,000 lb/ 2 months	50,000 lb/ 2 months	
26	multiple bottom trawl gear ^{8/}	40,000 lb/ 2 months	50,000 lb/ 2 months	40,000 lb/ 2 months	50,000 lb/ 2 months	

TABLE 3 (North)

Table 3 (North). Continued

27	Whiting						
28	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.					
29	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.					
30	Flatfish (except Dover sole)						
31	Arrowtooth flounder						
32	large & small footrope gear	150,000 lb/ 2 months					
33	selective flatfish trawl gear	10,000 lb/ 2 months					
34	multiple bottom trawl gear ^{8/}	10,000 lb/ 2 months					
35	Other flatfish ^{3/} , English sole, starry flounder, & Petrale sole						
36	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 30,000 lb/ 2 months of which may be petrale sole.	110,000 lb/ 2 months, no more than 20,000 lb/ 2 months of which may be petrale sole.			110,000 lb/ 2 months
37	large & small footrope gear for Petrale sole	40,000 lb/ 2 months	40,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	50,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 16,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months
38	selective flatfish trawl gear for Other flatfish ^{3/} , English sole, & starry flounder	70,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	50,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 16,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.
39	selective flatfish trawl gear for Petrale sole	70,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	50,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 16,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.
40	multiple bottom trawl gear ^{8/}	70,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	50,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 16,000 lb/ 2 months of which may be petrale sole.	80,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.
41	Minor shelf rockfish ^{1/}, Shortbelly, Widow & Yelloweye rockfish						
42	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.					
43	large & small footrope gear	300 lb/ 2 months					
44	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	
45	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	

TABLE 3 (North) cont

Table 3 (North). Continued

46	Canary rockfish			
47	large & small footrope gear	CLOSED		
48	selective flatfish trawl gear	100 lb/ month	300 lb/ month	100 lb/ month
49	multiple bottom trawl gear ^{8/}	CLOSED		
50	Yellowtail			
	midwater trawl	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 yellowtail limit of 2,000 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.		
51	large & small footrope gear	300 lb/ 2 months		
52	selective flatfish trawl gear	2,000 lb/ 2 months		
53	multiple bottom trawl gear ^{8/}	300 lb/ 2 months		
54	Minor nearshore rockfish & Black rockfish			
55	large & small footrope gear	CLOSED		
56	selective flatfish trawl gear	300 lb/ month		
57	multiple bottom trawl gear ^{8/}	CLOSED		
58	Lingcod ^{4/}			
59	large & small footrope gear	4,000 lb/ 2 months		
60	selective flatfish trawl gear	1,200 lb/ 2 months	1,200 lb/2 months	
61	multiple bottom trawl gear ^{8/}			
62	Pacific cod	30,000 lb/ 2 months	70,000 lb/ 2 months	30,000 lb/ 2 months
63	Spiny dogfish	200,000 lb/ 2 months	150,000 lb/ 2 months	100,000 lb/ 2 months
64	Other Fish ^{5/}	Not limited		
65				

TABLE 3 (North) con't

1/ Bocaccio, chilipepper and cowcod are included in the trip limits for minor shelf rockfish.
 2/ Splitnose rockfish 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.
 5/ "Other fish" are defined at § 660.302 and include sharks, skates, ratfish, morids, grenadiers, and kelp greenling. Cabezon is included in the trip limits for "other fish."
 6/ The Rockfish Conservation Area is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at §§ 660.391-660.394.
 7/ The "modified 200 fm" line is 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.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032-7032-01]

RIN 0648-XK96

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by Amendment 80 vessels subject to sideboard limits in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2008 Pacific cod sideboard limit established for Amendment 80 vessels subject to sideboard limits in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 1, 2008, until 2400 hrs, A.l.t., December 31, 2008.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish 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 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 679.

The 2008 Pacific cod sideboard limit established for Amendment 80 vessels subject to sideboard limits in the Western Regulatory Area of the GOA is 389 metric tons (mt), as established by the 2008 and 2009 harvest specifications for groundfish of the GOA (73 FR 10562, February 27, 2008).

In accordance with § 679.20(d)(1)(v)(A), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2008 Pacific cod sideboard limit established for Amendment 80 vessels