



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

150409SWR2005SF00321: JAR

SEP 1 2005

TO: U.S. BIGEYE TUNA LONGLINE FLEET

SUBJECT: IATTC FISHERY MANAGEMENT ACTIONS FOR 2005

Notice: The immediate effect of this action is to close the U.S. longline bigeye fishery in the Inter-American Tropical Tuna Commission (IATTC) Convention Area for the remainder of the 2005 fishing year. For the purposes of this closure, the Convention Area is defined to include the waters of the eastern tropical Pacific Ocean bounded by the coast of the Americas, the 40° N. and 40° S. parallels, and the 150° W. meridian. No bigeye tuna may be caught and retained by U.S. longline bigeye tuna fishing vessels in the Convention Area during the remainder of the 2005 fishing year. This action provides notice to the public of the restrictions that apply to U.S. longline vessels fishing for bigeye tuna in the Convention Area. National Marine Fisheries Service (NMFS) scientists determined that the 2001 longline catch of bigeye tuna was 150 metric tons in the eastern tropical Pacific Ocean (ETP). NMFS has determined that the 150 metric ton catch level for longline bigeye tuna was reached in July 2005. A notice to the fleet(s) was sent May 31, 2005, advising the U.S. purse seine tuna fleet and the U.S. bigeye tuna longline fleet of anticipated actions for the 2005 fishing year.

Background: The United States is a member of the IATTC, which was established to provide an international arrangement to ensure conservation and management of yellowfin tuna and other species of fish taken by tuna fishing vessels in the ETP. Each member nation is responsible for regulating its own fisheries to carry out IATTC recommendations. The IATTC has maintained a scientific research and fishery monitoring program for many years and annually assesses the status of tuna stocks and fishery conditions to determine appropriate harvest levels or other measures to prevent overexploitation and promote achievement of maximum sustainable yields. As a member of the IATTC, the United States (acting through the National Oceanic and Atmospheric Administration (NOAA)) implements IATTC recommendations that have been approved by the Department of State (DOS).

At the June 2004 annual IATTC meeting, the IATTC adopted a tuna conservation resolution calling upon member and non-member nations to take measures necessary to ensure that their vessels' total longline catches of bigeye tuna in the ETP during 2005 and 2006 will not exceed those of 2001.



The DOS has approved this resolution. The emergency rule is intended to carry out U.S. obligations necessary to comply with the IATTC resolution for 2005.

Sincerely,

A handwritten signature in cursive script that reads "Rodney R. McInnis".

Rodney R. McInnis
Regional Administrator

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

■ Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. Amend § 17.11(h) as follows:

■ a. By removing the entries for “Gazelle, Mhorr” and “Gazelle, Rio de Oro Dama” under MAMMALS in the

List of Endangered and Threatened Wildlife; and

■ b. By adding entries for “Addax,” “Gazelle, dama,” and “Oryx, scimitar-horned,” in alphabetical order under MAMMALS, to the List of Endangered and Threatened Wildlife as set forth below.

§ 17.11 Endangered and threatened wildlife.

* * * * *
(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Addax	<i>Addax nasomaculatus</i> .	North Africa	Entire	E		NA	NA
*	*	*	*	*	*		*
Gazelle, dama	<i>Gazella dama</i>	North Africa	Entire	E	3	NA	NA
*	*	*	*	*	*		*
Oryx, scimitar-horned.	<i>Oryx dammah</i>	North Africa	Entire	E		NA	NA
*	*	*	*	*	*		*

Dated: August 19, 2005.
Marshall P. Jones, Jr.,
 Director, Fish and Wildlife Service.
 [FR Doc. 05–17431 Filed 9–1–05; 8:45 am]
BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 050719189–5231–02; I.D. 081105E]

RIN 0648–AT33

International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 Longline Fisheries in the Eastern Tropical Pacific Ocean

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

ACTION: Temporary rule; emergency action.

SUMMARY: This emergency action, implemented under the regulations for the Pacific Tuna Fisheries, will prevent overfishing of bigeye tuna in the eastern tropical Pacific Ocean (ETP), consistent with recommendations by the Inter-American Tropical Tuna Commission (IATTC) that have been approved by the Department of State (DOS) under the

Tuna Conventions Act. NMFS hereby closes the U.S. longline fishery directed at bigeye tuna in the Convention Area for the remainder of 2005 because the bigeye tuna catch in the Convention Area has reached the reported level of catch made in 2001. This action is intended to limit fishing mortality on bigeye tuna stock caused by longline fishing in the Convention Area and contribute to the long-term conservation of bigeye tuna stock at levels that support healthy fisheries.

DATES: Effective August 30, 2005 through December 31, 2005.

ADDRESSES: Southwest Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90902–4213.

FOR FURTHER INFORMATION CONTACT: J. Allison Routt, Sustainable Fisheries Division, Southwest Region, NMFS, (562) 980–4030.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the Internet at the Office of the **Federal Register**'s website at <http://www.gpoaccess.gov/>.

The United States is a member of the IATTC, which was established under the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed in 1949 (Convention). The IATTC was established to provide an international arrangement to ensure the effective

international conservation and management of highly migratory species of fish in the Convention Area. The Convention Area for this purpose is defined to include the waters of the ETP bounded by the coast of the Americas, the 40° N. and 40° S. parallels, and the 150° W. meridian. The IATTC has maintained a scientific research and fishery monitoring program for many years and annually assesses the status of stocks of tuna and the fisheries to determine appropriate harvest limits or other measures to prevent overexploitation of tuna stocks and promote viable fisheries. Under the Tuna Conventions Act, 16 U.S.C. 951–961 and 972 *et seq.*, NMFS must publish regulations to carry out IATTC recommendations and resolutions that have been approved by DOS. The Southwest Regional Administrator also is also required by regulations at 50 CFR 300.299(b)(3) to issue a direct notice to the owners or agents of U.S. vessels that operate in the ETP of actions recommended by the IATTC and approved by the DOS. A notice to the fleet was sent May 31, 2005, advising the U.S. bigeye tuna longline fleet of anticipated actions for the 2005 fishing year.

The IATTC recommended, and the DOS approved, a measure whereby the U.S. longline fishery for bigeye tuna in the Convention Area would close for the remainder of calendar year 2005 if the catch of bigeye tuna by U.S. longline

vessels in the Convention Area reaches 150 mt (the amount estimated to have been caught by the U.S. longline fishery in the Convention Area in 2001). The measure recommended by the IATTC and approved by DOS states that, no bigeye tuna may be caught and retained by U.S. longline bigeye tuna vessels in the Convention Area during the remainder of the calendar year 2005 once the fishery is closed upon reaching the 2001 catch level. NMFS promulgated a proposed rule to effect this recommendation on August 15, 2005 (70 FR 47774–47776).

NMFS has determined that the 150 mt catch level has been reached for the 2005 season and hereby closes the U.S. longline fishery for bigeye tuna in the Convention Area for the remainder of the year 2005. It is therefore prohibited for a U.S. longline bigeye tuna vessel to retain bigeye tuna in the Convention Area from the effective date of this action through December 31, 2005. Longline vessels are not subject to this rule if they declare to NMFS under the Western Pacific Pelagics FMP that they intend to shallow-set to target swordfish.

Classification

This action is consistent with the Tuna Conventions Act 16, U.S.C. 951–961 and 971 *et seq.* This action is consistent under the regulations for the Pacific Tuna Fisheries found at 50 CFR 300.29.

For the reasons set forth below, the Assistant Administrator for Fisheries (AA) finds good cause under 5 U.S.C. 553(b)(B) to waive notice and comment for this rule, which closes the U.S. bigeye tuna longline fishery in the IATTC Convention Area for the remainder of the 2005 season. Similarly, the AA finds good cause to waive the 30-day delay in effective date for this rule under 5 U.S.C. 553(d)(3).

It is impracticable and contrary to the public interest to provide for notice and an opportunity for public comment because the U.S. quota for bigeye tuna in the ETP longline fishery has already been reached, much earlier this year than in the preceding year. In 2004, U.S. vessels using longline gear in the ETP did not attain the 2001 catch limit until September. This year, however, in July of 2005, U.S. longline vessels in the ETP were estimated to have harvested over 150 metric tons of bigeye tuna. The estimated catch to date is approximately 241 metric tons, significantly over-quota. Accommodating notice and comment and delaying the effective date for this rule would result in continued harvest of bigeye tuna by the longline fleet over the 2001 catch level.

Failure to effectuate the closure immediately, when estimates indicate that the fishery is already significantly over-quota, could also cause potentially serious harm to the ETP bigeye tuna stock. In 2003, 2004, and 2005, IATTC stock assessment scientists concluded that the bigeye tuna stock is at a level below that which would produce the average maximum sustainable yield. Furthermore, NMFS has determined that bigeye tuna in the Pacific are subject to overfishing, using the standards for “overfishing” in the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

Furthermore, the rule must be made effective immediately to meet U.S. obligations under the Convention between the United States of America and the Republic of Costa Rica for the Establishment of an Inter-American Tropical Tuna Commission, as well as U.S. obligations to manage tuna stocks in a sustainable manner under the Tuna Conventions Act of 1950, 16 U.S.C. 951–961 and 971 *et seq.* Therefore, notice and an opportunity for comment, and delayed effectiveness of the closure, are not practicable and are contrary to the public interest.

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

This emergency rule has been determined to be not significant for purposes of Executive Order 12866.

Authority: 16 U.S.C. 951–961 and 971 *et seq.*

Dated: August 30, 2005.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 05–17550 Filed 8–30–05; 2:40 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126333–5040–02; I.D. 082905D]

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in 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 species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the fourth seasonal apportionment of the 2005 Pacific halibut bycatch allowance specified for the shallow-water species fishery in the GOA has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 4, 2005, through 1200 hrs, A.l.t., September 30, 2005.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 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.

The fourth seasonal apportionment of the 2005 Pacific halibut bycatch allowance specified for the shallow-water species fishery in the GOA is 150 metric tons as established by the 2005 and 2006 harvest specifications for groundfish of the GOA (70 FR 8958, February 24, 2005), for the period 1200 hrs, A.l.t., September 1, 2005, through 1200 hrs, A.l.t., September 30, 2005.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the fourth seasonal apportionment of the 2005 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been reached. Consequently, NMFS is prohibiting directed fishing for the shallow-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the shallow-water species fishery are pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, skates, and “other species.”

This closure does not apply to fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock.

After the effective date of this closure the maximum retainable amounts at §§ 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained