

(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.**

\* \* \* \* \*

(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 (*Dermodochelys 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.

\* \* \* \* \*

(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](mailto: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 (HG) 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