

Federal Communications Commission.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 060427113-6113-01; I.D. 092106C]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #8 – Adjustment of the Commercial Salmon Fishery from Horse Mountain to Point Arena, California

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

ACTION: Closure; request for comments.

SUMMARY: NMFS announces that the commercial salmon fishery in the Fort Bragg subarea from Horse Mountain to Point Arena, CA, was modified by inseason action and was closed at 3 p.m. on Tuesday, September 5, 2006. This action was necessary to conform to the 2006 management goals, and the intended effect is to allow the fishery to operate within the seasons and quotas specified in the 2006 annual management measures.

DATES: Closure effective 1500 hours local time (l.t.), September 5, 2006, after which the fishery will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2006 annual management measures. Comments will be accepted through October 12, 2006.

ADDRESSES: Comments on this action must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376; or Rod McInnis, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments can also be submitted via e-mail to 2006salmonIA8.nwr@noaa.gov or through the internet at the Federal

eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include [060427113-6113-01 and/or I.D.092106C] in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Sarah McAvinchey, 206-526-4323.

SUPPLEMENTARY INFORMATION: In the 2006 annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), NMFS announced the commercial fishery in the Fort Bragg subarea from Horse Mountain to Point Arena, CA, would be open September 1 through the earlier of September 15 or a Chinook quota of 4,000; all salmon except coho; landing and possession limit of 30 Chinook per vessel per day; fish caught in the area must be landed in the area; Chinook minimum size limit 27 inches (68.6 cm) total length.

On September 5, 2006, the Regional Administrator (RA) consulted with representatives of the Pacific Fishery Management Council, California Department of Fish and Game and Oregon Department of Fish and Wildlife. Information related to catch to date, the Chinook catch rate, and effort data indicated that the quota had been exceeded. As a result, the State of California recommended, and the RA concurred, that the area from Horse Mountain to Point Arena, CA close effective at 3 p.m. Tuesday, September 5, 2006. All other restrictions that apply to this fishery remained in effect as announced in the 2006 annual management measures.

The RA determined that the best available information indicated that the catch and effort data supported the above inseason action recommended by the state. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the above described action was given prior to the time the action was effective by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

This action does not apply to other fisheries that may be operating in other areas.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good

cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of this action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (71 FR 26254, May 4, 2006), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agency had insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data were collected to determine the extent of the fisheries, and the time the fishery closure had to be implemented to avoid exceeding the quota. Because of the rate of harvest in this fishery, failure to modify the fishing schedule would have allowed the quota to be further exceeded, resulting in fewer spawning fish and possibly reduced yield of the stocks in the future. For the same reasons, the AA also found good cause to waive the 30-day delay in effectiveness required under U.S.C. 553(d)(3).

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: September 22, 2006.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 060427113-6113-01; I.D. 092106B]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9 – Adjustment of the Commercial Salmon Fishery from Cape Falcon, Oregon to U.S.-Canada Border

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