

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

[Docket No 041110317-4364-02; I.D. 110404B]

RIN 0648-AR51

## 50 CFR Part 648

**Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2005 and 2006 Summer Flounder Specifications; 2005 Scup and Black Sea Bass Specifications; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** NMFS published in the *Federal Register* of January 4, 2005, a final rule containing final specifications for the 2005 and 2006 summer flounder fisheries and for the 2005 scup and black sea bass fisheries. Inadvertently, Table 4 of the final rule contained an incorrect Winter I period scup possession limit. This document corrects that error.

**DATES:** Effective January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, Fishery Policy Analyst, (978) 281-9279, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** The final rule, including final quota specifications for the summer flounder, scup, and black sea bass fisheries, was published in the *Federal Register* on January 4, 2005 (70 FR 303). Table 4 incorrectly listed the Winter I period scup possession limit (per trip) as 15,000 lb (6,804 kg); the correct amount is 30,000 lb (13,608 kg). The entries at the 2nd row, 11th and 12th columns of Table 4 are corrected to read 30,000 lb and 13,608 kg, respectively.

Dated: January 12, 2005.

**Alan D. Risenhoover,**

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

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## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 648

[Docket No. 040112010-4114-02; I.D.011105I]

**Northeast (NE) Multispecies Fishery; Re-opening of the Eastern U.S./Canada Area; and Removal of Daily Poundage Limits for Yellowtail Flounder in the U.S./Canada Management Area, and Cod in the Eastern U.S./Canada Area**

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

**ACTION:** Re-opening and removal of daily poundage limits.

**SUMMARY:** NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), is re-opening the Eastern U.S./Canada Area to all limited access NE multispecies days-at-sea (DAS) vessels and is removing the prohibition on all NE multispecies limited access vessels from harvesting, possessing, or landing Georges Bank (GB) yellowtail flounder from within the entire U.S./Canada Management Area. This action also removes the yellowtail flounder and cod daily poundage limits for the entire U.S./Canada Management Area and Eastern U.S./Canada Area, respectively, but retains the 15,000 lb (6,804 kg) trip limit for GB yellowtail flounder and a 5,000 lb (2,268 kg) trip limit for GB cod, consistent with ensuring that the Total Allowable Catches (TACs) for these species will not be exceeded by the end of the 2004 fishing year.

**DATES:** Effective 0001 hr local time, January 14, 2005, through 2400 hr local time April 30, 2005.

**FOR FURTHER INFORMATION CONTACT:** Karen Tasker, Fishery Management Specialist, (978) 281-9273, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** Regulations governing the yellowtail flounder and cod landing limits within the U.S./Canada Management Area are found at 50 CFR 648.85(a)(3)(iv). The regulations authorize vessels issued a valid limited access NE multispecies permit and fishing under a NE multispecies DAS to fish in the U.S./Canada Management Area under specific conditions. The TAC allocation for GB yellowtail flounder for the 2004 fishing year was specified at 6,000 mt in the final rule implementing Amendment 13 to the NE Multispecies Fishery

Management Plan (FMP). Once 30 percent and/or 60 percent of the yellowtail flounder TAC allocations specified for the U.S./Canada Management Area are projected to have been harvested, the regulations at § 648.85(a)(3)(iv)(D) authorize the Regional Administrator to close access to the Eastern U.S./Canada Area to all limited access NE multispecies DAS vessels and prohibit all NE multispecies limited access vessels from harvesting, possessing, or landing GB yellowtail flounder from the entire U.S./Canada Management Area to prevent overharvesting or underharvesting the yellowtail flounder TAC allocation.

Based upon Vessel Monitoring System (VMS) reports and other available information, the Regional Administrator determined that 85 percent of the GB yellowtail flounder TAC had been harvested by October 1, 2004 (69 FR 59815, October 6, 2004). NMFS closed the Eastern U.S./Canada Area, effective October 1, 2004, to all NE multispecies DAS vessels and prohibited all NE multispecies vessels from harvesting, possessing, or landing GB yellowtail flounder from the U.S./Canada Management Area, because of concerns that the yellowtail flounder TAC would be fully harvested or overharvested prior to the end of the fishing year. Full harvest or overharvest of the TAC was anticipated due to the amount of yellowtail flounder harvested by vessels targeting yellowtail flounder in the U.S./Canada Management Area, and because of concerns regarding expected yellowtail flounder bycatch by vessels targeting groundfish other than yellowtail flounder within the U.S./Canada Management Area. Additional concern was raised by the potential impact that may be caused by scallop vessels fishing in Closed Area II under the Sea Scallop Access Program implemented under Frameworks 16/39 to the Atlantic Sea Scallop/NE Multispecies FMPs. Because of these potential sources of yellowtail flounder harvest, this action was necessary to ensure that the GB yellowtail flounder TAC would not be exceeded during the 2004 fishing year.

At this time, data indicate that the amount of GB yellowtail flounder harvested under the Sea Scallop Access Program and the amount of GB yellowtail flounder bycatch caught by vessels targeting groundfish other than yellowtail flounder within the U.S./Canada Management Area will likely not result in the overharvest of the TAC. Therefore, under the authority of § 648.85(a)(3)(iv)(D), NMFS is re-opening the U.S./Canada Management Area to NE multispecies DAS vessels,