

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 031207D]

Pacific Halibut Fishery; Guideline Harvest Levels for the Guided Recreational Halibut Fishery

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

ACTION: Notice of guideline harvest level.

SUMMARY: NMFS provides notice of the guideline harvest levels (GHL) for the guided sport halibut fishery (charter fishery) in the International Pacific Halibut Commission (IPHC) regulatory areas 2C and 3A. The GHLs provide a benchmark harvest level for participants in the charter fishery. This notice is necessary to meet the management and regulatory requirements for the GHLs and to inform the public about the 2007 GHLs for the charter fishery.

DATES: The GHLs are effective beginning 1200 h, Alaska local time (A.l.t.), February 1, 2007, and will close at 2400 h, A.l.t., December 31, 2007. This period is specified by the IPHC as the sport fishing season in all waters of Alaska.

FOR FURTHER INFORMATION CONTACT: Jason Gasper, 907-586-7228, or email at jason.gasper@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS implemented a final rule to establish GHLs in IPHC regulatory areas 2C and 3A for the harvest of Pacific halibut (*Hippoglosses stenolepis*) by the charter fishery on August 8, 2003 (68 FR 47256). The GHLs are intended to serve as a benchmark harvest level for participants in the charter fishery.

This announcement is consistent with 50 CFR 300.65(c)(2), which requires that GHLs for IPHC regulatory areas 2C and 3A be specified by NMFS and announced by publication in the **Federal Register** no later than 30 days after receiving information from the IPHC. The IPHC annually establishes the constant exploitation yield (CEY) for halibut in IPHC regulatory areas 2C and 3A. Regulations at § 300.65(c)(1) establish the GHLs based on the CEY that is established annually by the IPHC. The CEY established by the IPHC for 2007 in Areas 2C and 3A result in GHLs of 1,432,000 lb (649.5 t), and 3,650,000 lb (1,655.6 t), respectively.

This notice does not require any regulatory action by NMFS and is intended to serve as a notice of the GHLs in Areas 2C and 3A for 2007. If

a GHL is exceeded in 2007, NMFS will notify the North Pacific Fishery Management Council (Council) in writing within 30 days of receipt of that information. The Council is not required to take action, but may recommend additional management measures after receiving notification that a GHL has been exceeded.

Classification

This notice does not require any additional regulatory action by NMFS and does not impose any additional restrictions on harvests by the charter fishery.

If a GHL is exceeded in any year, the Council would be notified, but would not be required to take action. This process of notification is intended to provide the Council with information about the level of Pacific halibut harvest by the charter fishery in a given year and could prompt future action.

Authority: 16 U.S.C. 773 *et seq.*

Dated: March 12, 2007.

Alan D. Risenhoover,
Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 030107E]

Fisheries off West Coast States and in the Western Pacific; Overfishing Determination of Petrale Sole

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

ACTION: Notification of determination of overfishing.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that overfishing is occurring in fisheries for petrale sole. NMFS notified the Pacific Regional Fishery Management Council (Pacific Council) of its determination by letter. The Pacific Council is required to take action within 1 year following NMFS notification that overfishing is occurring or a stock is approaching overfishing, a stock is overfished or approaching an overfished condition, or existing remedial action taken to end overfishing or rebuild an overfished stock has not resulted in adequate progress.

FOR FURTHER INFORMATION CONTACT: Debra Lambert, telephone: (301) 713-2341.

SUPPLEMENTARY INFORMATION: Pursuant to sections 304(e)(2) and (e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2) and (e)(7), and implementing regulations at 50 CFR 600.310(e)(2), NMFS sends written notification to fishery management councils when overfishing is occurring or a stock is approaching overfishing; a stock is overfished or approaching an overfished condition, or existing action taken to end previously identified overfishing or rebuilding a previously identified overfished stock or stock complex has not resulted in adequate progress. On February 13, 2007, the NMFS Northwest Regional Administrator sent a letter, notifying the Pacific Council that petrale sole was subject to overfishing in 2005. The estimated catch of petrale sole in 2005 was 2,766 mt, 0.14 percent above the 2005 petrale sole Acceptable Biological Catch (ABC) of 2,762 mt.

A copy of the notification letter sent to the Pacific Council for the aforementioned determination is available at <http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>.

Within 1 year of a notification under Magnuson-Stevens Act sections 304(e)(2) or (e)(7), the respective Council must take remedial action in response to the notification, to end overfishing if overfishing is occurring; rebuild an overfished stock or stock complex to the abundance that can produce maximum sustainable yield within an appropriate time frame; prevent overfishing from occurring if a stock is approaching overfishing; and/or prevent a stock from becoming overfished if it is approaching an overfished condition (see implementing regulations at 50 CFR 600.310(e)(3)). Such action must be submitted to NMFS within 1 year of notification and may be in the form of a new fishery management plan (FMP), an FMP amendment, or proposed regulations. However, preliminary estimates from 2006 indicate that the 2006 petrale catch was below that species' ABC. This lower catch was likely due to the Pacific Council having introduced winter trip limits for petrale sole via inseason recommendations from its November 2005 meeting (70 FR 72385, December 5, 2005). The 2007-2008 groundfish trip limits, established through notice and comment rulemaking, also include limits for petrale sole that were designed to keep catch within the appropriate level (71 FR 78638,