

Lakes. However, we have established special load line regimes whereby certain river barges may operate on select Great Lakes routes under limited conditions. These are conditional exemptions: The barges are exempted from the normal Great Lakes load line requirement only if they comply with the specified provisions for the route. On all routes, the tows are restricted to not more than 5 nautical miles from shore. And because river barges are not as robustly constructed as vessels designed for Great Lakes service, certain weather restrictions pertain to the routes in order to ensure the safety of the tow. It is up to the tow master to review the weather forecast and interpret it against the particular weather restrictions for the route.

In reviewing marine weather forecast services for the routes, the National Weather Service (NWS) Nearshore Marine Forecasts for Lake Michigan were identified as providing localized forecasts for the specific waters covered by the exemption routes. The Nearshore forecast waters are a 5-mile wide corridor along the Lake shoreline. This corridor is further divided into coastwise zones: There are five zones between Milwaukee and Calumet, two zones between Calumet and Burns Harbor, and seven zones beyond Burns Harbor to Muskegon. The Nearshore forecast takes into account wind direction and speed for these zones, and the resulting wave conditions expected over the forecast period.

In addition to geographic coverage, the general "Small Craft Advisory" (SCA) threshold conditions for the Great Lakes are sustained winds or gusts between 22 and 33 knots inclusive, and/or seas or waves greater than 4 feet. Small Craft Advisories may also be issued when lake ice exists that could be hazardous to small boats.

Although river barges are not customary small craft, the SCA threshold conditions align closely with the weather limits for the routes that have been in effect with the interim regulations. While the SCA wind range is higher than the interim regulation's wind limits, the compensating factor is that the effects of the winds are analyzed for wave conditions in the Nearshore zones, as opposed to an open Lake forecast. We believe that this will lead to more-accurate wave forecasts within the Nearshore waters actually transited by the tows.

In this regard, we believe that the use of the SCA is also a reasonable clarification of the "fair weather conditions" for the Burns Harbor route, since the zone forecast similarly

considers the effect of wind direction on wave heights along that route.

For these reasons, the final rule substituted SCA conditions as the limiting weather criteria for all routes because they align closely with the interim weather limitations, and offer the benefit of simplifying and clarifying the weather restrictions without adversely affecting any operations. Since publishing the final rule, however, the Coast Guard has received several comments from operators contending that the use of SCA criteria would reduce the number of operational days on the Burns Harbor route. Therefore, in order to provide operators with an opportunity to comment specifically on that issue, the Coast Guard is delaying the implementation of the SCA weather criteria and reopening the comment period. Meanwhile, the weather limitations that are in the present regulations, as summarized in original Table 45.171, will remain in effect during the delay period. All other revisions in the final rule enter into force on December 20, 2010.

#### Request for Public Comment

The Coast Guard is soliciting public comment on the weather limitations for these routes. Comments are particularly requested in regard to the following issues:

- Suitability of the Nearshore SCA for the limiting weather conditions.
- Alternative limiting conditions if SCA conditions are considered excessive or otherwise inappropriate.

We are also interested in comments regarding operator practices and interpretation of the "fair weather" requirement for the Burns Harbor route found in the interim regulations.

This notice is issued under authority of 5 U.S.C. 553.

Dated: December 13, 2010.

**J.G. Lantz,**

*Director of Commercial Regulations and Standards.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

**RIN 0648-XZ20**

#### Fraser River Sockeye Salmon Fisheries; Inseason Orders

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary orders; inseason orders; request for comments.

**SUMMARY:** NMFS publishes Fraser River salmon inseason orders to regulate salmon fisheries in U.S. waters. The orders were issued by the Fraser River Panel (Panel) of the Pacific Salmon Commission (Commission) and subsequently approved and issued by NMFS during the 2010 salmon fisheries within the U.S. Fraser River Panel Area. These orders established fishing dates, times, and areas for the gear types of U.S. treaty Indian and all citizen fisheries during the period the Panel exercised jurisdiction over these fisheries.

**DATES:** The effective dates for the inseason orders are set out in this document under the heading Inseason Orders. Comments will be accepted through January 3, 2011.

**ADDRESSES:** You may submit comments, identified by 0648-XZ20 by any one of the following methods:

*Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

*Fax:* 206-526-6736.

*Mail:* NMFS NWR, 7600 Sand Point Way, NE., Seattle, WA 98115.

*Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Peggy Busby, by phone at 206-526-4323, [peggy.busby@noaa.gov](mailto:peggy.busby@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon was signed at Ottawa on January 28, 1985, and subsequently was given effect in the United States by the Pacific Salmon Treaty Act (Act) at 16 U.S.C. 3631-3644.

Under authority of the Act, Federal regulations at 50 CFR part 300, subpart F provide a framework for the

implementation of certain regulations of the Commission and inseason orders of the Commission's Fraser River Panel for U.S. sockeye salmon fisheries in the Fraser River Panel Area.

The regulations close the U.S. portion of the Fraser River Panel Area to U.S. sockeye salmon fishing unless opened by Panel orders that are given effect by inseason regulations published by NMFS. During the fishing season, NMFS may issue regulations that establish fishing times and areas consistent with the Commission agreements and inseason orders of the Panel. Such orders must be consistent with domestic legal obligations and are issued by Regional Administrator, Northwest Region, NMFS. Official notification of these inseason actions is provided by two telephone hotline numbers described at 50 CFR 300.97(b)(1) and in 75 FR 24482 (May 5, 2010). The inseason orders are published in the **Federal Register** as soon as practicable after they are issued. Due to the frequency with which inseason orders are issued, publication of individual orders is impractical. Therefore, the 2010 orders are being published in this single document to avoid fragmentation.

#### Inseason Orders

The following inseason orders were adopted by the Panel and issued for U.S. fisheries by NMFS during the 2010 fishing season. Each of the following inseason actions was effective upon announcement on telephone hotline numbers as specified at 50 CFR 300.97(b)(1) and in 75 FR 24482 (May 5, 2010); those dates and times are listed herein. The times listed are local times, and the areas designated are Puget Sound Management and Catch Reporting Areas as defined in the Washington State Administrative Code at Chapter 220–22.

*Order Number 2010–01: Issued 12:30 p.m., July 27, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5 and 6C:* Open to drift gillnets from 12 noon, Thursday, July 29, 2010 to 12 noon, Saturday, July 31, 2010.

*Order Number 2010–02: Issued 1 p.m., July 30, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Opening extended for drift gillnets from 12 noon, Saturday, July 31, 2010 to 12 noon, Wednesday, August 4, 2010.

*Order Number 2010–03: Issued 1 p.m., August 3, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Opening extended for drift gillnets from 12 noon, Wednesday, August 4, 2010 to 12 noon, Saturday, August 7.

*Areas 6, 7 and 7A:* Open to net fishing from 5 a.m., Friday, August 6, 2010 to 5 a.m., Sunday, August 8, 2010.

#### All Citizen Fisheries:

*Areas 7 and 7A:* Open to purse seines from 5 a.m. to 9 p.m., Sunday, August 8, 2010.

*Areas 7 and 7A:* Open to reefnets from 5 a.m. to 9 p.m., Sunday, August 8, 2010.

*Areas 7 and 7A:* Open to gillnets from 8 a.m. to 11:59 p.m. (midnight), Sunday, August 8, 2010.

*Order Number 2010–04: Issued 1:30 p.m., August 6, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Opening extended for drift gillnets from 12 noon, Saturday, August 7, 2010 to 12 noon, Tuesday, August 10, 2010.

*Order Number 2010–05: Issued 2 p.m., August 15, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Open to drift gillnets from 6 p.m., Sunday, August 15, 2010 to 12 noon, Wednesday, August 18, 2010.

*Areas 6, 7, and 7A:* Open to net fishing from 5 a.m., Wednesday, August 18, 2010, to 9 p.m., Wednesday, August 18, 2010.

#### All Citizen Fisheries:

*Areas 7 and 7A:* Open to purse seines from 8 a.m., Tuesday, August 17, 2010, to 4 p.m., Tuesday, August 17, 2010.

*Areas 7 and 7A:* Open to reefnets from 8 a.m., Tuesday, August 17, 2010, to 4 p.m., Tuesday, August 17, 2010.

*Areas 7 and 7A:* Open to gillnets from 3 p.m., Tuesday, August 17, 2010, to 11 p.m., Tuesday, August 17, 2010.

*Order Number 2010–06: Issued 1:30 p.m., August 17, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Opening extended for drift gillnets from 12 noon, Wednesday, August 18, 2010, to 12 noon, Friday, August 20, 2010.

*Areas 6, 7, and 7A:* Opening extended for net fishing from 9 p.m., Wednesday, August 18, 2010, to 9 a.m., Thursday, August 19, 2010.

*Order Number 2010–07: Issued 2 p.m., August 20, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Open to drift gillnets from 3 p.m., Friday, August 20, 2010, to 12 noon, Wednesday, August 25, 2010.

*Areas 6, 7, and 7A:* Open to net fishing from 5 a.m., Sunday, August 22,

2010, to 9 a.m., Wednesday, August 25, 2010.

#### All Citizen Fisheries:

*Areas 7 and 7A:* Open to purse seines from 11 a.m. to 5 p.m., Saturday, August 21, 2010, in the area southerly and easterly of a straight line drawn from Iwersen's Dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the province of British Columbia.

*Areas 7 and 7A:* Open to reefnets from 5 a.m. to 9 p.m., Saturday, August 21, 2010.

*Areas 7 and 7A:* Open to gillnets from 8 a.m. to 11:59 p.m. (midnight), Saturday, August 21, 2010.

*Order Number 2010–08: Issued 1:30 p.m., August 24, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Extended for drift gillnets from 12 noon, Wednesday, August 25, 2010 to 12 noon, Saturday, August 28, 2010.

*Areas 6, 7, and 7A:* Open to net fishing from 5 a.m., Thursday, August 26, 2010, to 9 a.m., Sunday, August 29, 2010.

#### All Citizen Fisheries:

*Areas 7 and 7A:* Open to purse seines from 5 a.m. to 9 p.m., Wednesday, August 25, 2010.

*Areas 7 and 7A:* Open to reefnets from 5 a.m. to 9 p.m., Wednesday, August 25, 2010, and from 5 a.m. to 9 p.m., Thursday, August 26, 2010.

*Areas 7 and 7A:* Open to gillnets from 8 a.m. to 11:59 p.m. (midnight), Wednesday, August 25, 2010.

*Order Number 2010–09: Issued 12:30 p.m., August 27, 2010*

#### Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 noon, Saturday, August 28, 2010, through 12 noon, Wednesday, September 1, 2010.

*Areas 6, 7, and 7A:* Extend for net fishing from 9 a.m., Sunday, August 29, 2010, through 9 a.m., Monday, August 30, 2010. Open to net fishing from 5 a.m., Tuesday, August 31, 2010, through 9 a.m., Wednesday, September 1, 2010.

#### All Citizen Fisheries:

*Areas 7 and 7A:* Open to purse seines from 5 a.m. to 9 p.m., Monday, August 30, 2010.

*Areas 7 and 7A:* Open to reefnets from 5 a.m. to 9 p.m., Monday, August 30, 2010, and from 5 a.m. to 9 p.m., Tuesday, August 31, 2010.

*Areas 7 and 7A:* Open to gillnets from 8 a.m. to 11:59 p.m. (midnight), Monday, August 30, 2010.

*Order Number 2010–10: Issued 12:30 p.m., August 31, 2010*

Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 noon, Wednesday, September 1, 2010, through 12 noon, Saturday, September 4, 2010.

*Areas 6, 7, and 7A:* Extend for net fishing from 9 a.m., Wednesday, September 1, 2010 through 9 a.m., Friday, September 3, 2010.

All Citizen Fisheries:

*Areas 7 and 7A:* Open to purse seines from 9 a.m. through 9 p.m., Friday, September 3, 2010, in the area southerly and easterly of a straight line drawn from Iwersen's dock on Point Roberts in the State of Washington to the Georgina Point Light at the entrance to Active Pass in the Province of British Columbia.

*Areas 7 and 7A:* Open to reefnets from 5 a.m. to 9 p.m., Friday, September 3, 2010.

*Areas 7 and 7A:* Open to gillnets from 8 a.m. to 11:59 p.m. (midnight), Friday, September 3, 2010.

*Order Number 2010–11: Issued 12 noon, September 3, 2010*

Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 noon, Saturday, September 4, 2010, through 12 noon, Wednesday, September 8, 2010.

*Areas 6, 7, and 7A:* Open for net fishing from 5 a.m., Saturday, September 4, 2010, through 9 a.m., Wednesday, September 8, 2010.

All Citizen Fisheries:

*Areas 7 and 7A:* Open to reefnets daily from 5 a.m. to 9 p.m., from Saturday, September 4, 2010, through Tuesday, September 7, 2010.

*Order Number 2010–12: Issued 2 p.m., September 7, 2010*

Treaty Indian Fisheries:

*Areas 4B, 5, and 6C:* Extend for drift gillnets from 12 noon, Wednesday, September 8, 2010, through 11:59 p.m. (midnight), Saturday, September 11, 2010.

*Areas 6, 7, and 7A:* Open for net fishing from 5 a.m., Thursday, September 9, 2010, through 9 a.m., Saturday, September 11, 2010.

All Citizen Fisheries:

*Areas 7 and 7A:* Open to purse seines from 5 a.m. through 9 p.m., Wednesday, September 8, 2010.

*Areas 7 and 7A:* Open to reefnets daily from 5 a.m. to 9 p.m., from Wednesday, September 8, 2010, through Friday, September 10, 2010.

*Areas 7 and 7A:* Open to gillnets from 8:15 a.m. to 11:59 p.m. (midnight), Wednesday, September 8, 2010.

*Order Number 2010–13: Issued 12 noon, September 10, 2010*

Treaty Indian Fisheries:

*Areas 6, 7, and 7A:* Extend for net fishing through 9 a.m., Tuesday, September 14, 2010.

All Citizen Fisheries:

*Areas 7 and 7A:* Extend for reefnets daily, from 5 a.m. to 9 p.m., through Friday, September 17, 2010.

*Order Number 2010–14: Issued 12 noon, September 14, 2010*

Treaty Indian Fisheries:

*Areas 6, 7, and 7A:* Open for net fishing from 5 a.m., Thursday, September 16, 2010, through 11:59 p.m. (midnight), Saturday, September 18, 2010.

All Citizen Fisheries:

*Areas 7 and 7A:* Open for reefnets from 5 a.m. to 9 p.m., Saturday, September 18, 2010.

### Classification

The Assistant Administrator for Fisheries NOAA (AA), finds that good cause exists for the inseason orders to be issued without affording the public prior notice and opportunity for comment under 5 U.S.C. 553(b)(B) as such prior notice and opportunity for comments is impracticable and contrary to the public interest. Prior notice and opportunity for public comment is impracticable because NMFS has insufficient time to allow for prior notice and opportunity for public comment between the time the stock abundance information is available to determine how much fishing can be allowed and the time the fishery must open and close in order to harvest the appropriate amount of fish while they are available.

The AA also finds good cause to waive the 30-day delay in the effective date, required under 5 U.S.C. 553(d)(3), of the inseason orders. A delay in the effective date of the inseason orders would not allow fishers appropriately controlled access to the available fish at that time they are available.

This action is authorized by 50 CFR 300.97, and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 3636(b).

Dated: December 14, 2010.

**Brian W. Parker,**

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

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